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THE

CODE OF REGULATIONS

FOR

THE GOVERNMENT

OF

THE PRESIDENCY OF BOMBAY,

WITH

NOTES

78428

SHOWING

THE ALTERATIONS MADE BY SUBSEQUENT ENACTMENTS;

A KEY, INDEX, INTERPRETATIONS,

AND

EPITOME OF THE ACTS OF THE LEGISLATIVE COUNCIL OF INDIA.

EDITED BY

WILLIAM HENRY HARRISON, Esq.,

BOMBAY CIVIL SERVICE,

AND LATE

REGISTRAR OF THE SUDDER ADAWLUT AT BOMBAY.

IN TWO VOLUMES.

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INTRODUCTION.

THE Bombay Code, promulgated on the 1st January, 1827, consisted of twenty-six Regulations, the provisions of which have, in many important particulars, been modified by the enactments passed in the intervening period by the Government of Bombay and the Legislative Council of India. In the present edition it is proposed to set forth these changes. The portions of the Code which have been distinctly repealed are printed in *Italics*, or omitted altogether where their republication appeared unnecessary. Wherever any provision has been distinctly altered, although the part containing it has not been distinctly repealed, the alteration is set forth in a note attached to the Clause or Section; and wherever it has appeared doubtful how far the provisions of the original text are affected by subsequent enactments, these are quoted, and attention directed to the point.

The Interpretations that have been authoritatively declared, are printed in the Appendix to the work, an asterisk against the Section or Clause to which each refers, directing attention to it.

In the order adopted, the provisions of the Preliminary Regulation on the subject, and the views of the framers of the Code, so far as these may be collected from the notes they left on record, have been followed.

The Code was originally divided into five branches, besides the Preliminary Regulation, the Civil, Criminal, Revenue, Military, and Miscellaneous. This arrangement has been adhered to. The Supplements to each Regulation have been entered immediately after it; and those unattached to any Branch or former Regulation have been placed in what appeared to be their proper positions. Thus, to the Preliminary Regulation I. of 1827, setting forth the Principles of the Code, and comprising all Rules that relate to all the Regulations in common, are annexed Regulations XXVIII. and XXXI. of 1827, neither of which

was attached to any previous Regulation or Branch. The first declares the date from which the new Code was to take effect, the other the principles on which it was to be introduced.

In the Civil Branch, the first Regulation is II. of 1827, regarding the constitution of Courts of Civil Justice, and their jurisdiction, and exhibiting in its Appendix a territorial description of the Zillas established under the Bombay Presidency. Its Supplements follow, and next is placed Regulation XXIX. of 1827, unattached to any Branch or previous Regulation. It brings under the operation of the Code the Dekhan and Khandesh, and modifies the jurisdiction of the Civil Courts introduced into these provinces. The Appendix contains a territorial description of the Zillas into which they were divided; its Supplements follow, and next to them are placed Regulations VII. and XIV. of 1830, and II. of 1834, bringing under the Code respectively the South Mahratta Country, the Mahableshwur Hills, and certain villages ceded by Angria Sirkeil, and setting forth the territorial limits of each acquisition. Regulation III. of 1827 follows these, and the rest of the Civil Branch are

arranged in their original order, the Supplements to each immediately succeeding it. The last of the class, Regulation XIII. of 1830, provides for the civil jurisdiction of Sirdars.

At the close of the Civil Branch, and as an Appendix to it, is printed Regulation XV. of 1816 of the Bengal Code, giving to native officers and soldiers certain privileges in revenue and judicial proceedings. It is made applicable to the Bombay Presidency by Act XV. of 1845, in which, however, its provisions are not recapitulated.

In the Criminal Branch the Regulations appear in their original order, which is only disturbed by the introduction of the Supplements to each immediately after it. Regulation XXX. of 1827 comes last, as supplementary to XII., XIII., XIV. and XV. of 1827.

In the Revenue Branch, Regulations XVI. to XXI. of 1827, which originally composed it, follow each other, with their Supplements, in regular order; and the subsequent unclassed Regulations that belong to the Branch are then placed according to the dates of promulgation.

The Military and Miscellaneous Branches are arranged according to the same rules.

A copious Index to the original Code has been revised, corrected and adapted to this edition.

The Key, prefixed to the Work, exhibits the subject and position of each Regulation passed from A. D. 1827 to A. D. 1834, when legislative authority, having passed from the Government of Bombay, became vested in the Supreme Government of India. In it they are arranged according to dates of promulgation.

An Epitome of all the Acts passed by the Legislative Council of India from A. D. 1834 to A. D. 1848, both inclusive, which follows the Key, completes the information necessary for reference as to the state of the law applicable to the Bombay Presidency.

The Acts of the Legislative Council have already appeared in a concise shape, so that the analysis here presented seemed sufficient for the purposes of this Work.

The Bombay Regulations have never been collected and published in a convenient form since their remodelling in the year 1827; and such a publication as would render their provisions more accessible has long appeared a desideratum to the Editor. His acknowledgments are due to [redacted] Kinloch Forbes, Esq., of the Bombay Civil Service, for efficient aid rendered while associated with him in office towards the accomplishment of this object. An alteration of the plan while the Work was in progress has prevented him from availing himself still more than he has done of Mr. Forbes' labours.

The Edition has been completed during a furlough to England, and is now published with the hope that it may assist, however humbly, in the dispensation of substantial justice and aid the exertions of those engaged in its administration.

LONDON, *June*, 1849.

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EPITOME OF THE ACTS

PASSED BY

THE LEGISLATIVE COUNCIL OF INDIA

FROM A.D. 1834 TO A.D. 1848 INCLUSIVE.

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V.—Madras .....Moonsiff's Fees, forbidding Levy of.

VI.—Bengal .....Functionaries of Cossyah Hills.

VII.—Ditto .....Judicial Procedure.

VIII.—Ditto .....Revenue. Modifies Local Regulation.

IX.—Ditto .....Salt Department.

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1836.

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XIII.—Ditto.....Coinage.

XIV.—Ditto.....Customs.

XV.—Ditto .....Functionaries of Subhathoo.

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XXIV.—Madras& Bombay..Alters designation of Bombay and Madras Native Judicial Functionaries.

XXV.—General.....Warehousing Act.

XXVI.—Ditto .....Police of Camp of Governors General, &c., Regulation of.

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XXVIII.—Ditto .....Justices of Peace, Assessment by.

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III.—Bengal .....Judicial Procedure.

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V.—Bengal .....Emigration Act. Repealed by Act XIV. of 1839.

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XIX.—Ditto .....Competency of Convict Witnesses declared.

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XXXI.—General .....Coinage.

XXXII.—Ditto .....Emigration. Repealed by Act XIV. of 1839.

XXXIII.—Madras .....Zillah Police.

XXXIV.—Ditto .....Judicial System.

XXXV.—Ditto .....Judicial Procedure.

XXXVI.—Ditto .....Embezzlement by Revenue Officers.

XXXVII.—Bombay.....State Trials.

XXXVIII.—Bengal.....Modifies Local Regulation.

1838.

I.—Bombay .....Customs Act. Repeals all Regulations passed previous to A. D. 1827, with specified exceptions; also Chapters I., II., IV., VI., VIII., IX., of Reg. XX. of 1827, and its Appendixes, (A), (B), (C), (E), (H), (I), (J), (K); also Reg. II. of 1831, XIII. of 1831, I. of 1832, IV. of 1833, IV. of 1834, and Act II, of 1836.

II.—Bengal. N. W. Provinces.Salt Duty. Repealed by Act XIV. of 1843.

III.—Madras .....Judicial System. Repeals Act VIII. of 1837.

IV.—Bombay .....Sudder Adawlut, Perjury committed before. how to be dealt with.

V.—Bengal .....Bond-warehouse Law.

1838—*continued.*

VI.—Bombay .....Commission to inquire into Malversation may take Evidence on Oath.

VII.—Bengal .....Judicial System.

VIII.—Bombay .....Bhore Ghaut Toll. Supplement to Act II. of 1837.

IX.—Ditto .....Session Judge can award Fine adjudged to the injured Party.

X.—North West Provinces ..Kumaon Functionaries.

XI.—Bengal .....Sudder Board of Revenue.

XII.—Madras .....Judicial System.

XIII.—Bengal .....Judicial System.

XIV.—Madras .....Excise.

XV.—Bombay.....Criminal Law. Repeals Clause 1st, Section XXXV., Reg. XII. of 1827.

XVI.—Ditto.....Revenue Suits, save as excepted, to be tried in Courts of Adawlut.

XVII.—Madras.....Judicial System.

XVIII.—Bombay.....Extends Power of taking Security in the Revenue Department.

XIX.—Ditto.....Coasting Vessels. Repeals Sections XX. and XXI. of Reg. XX. of 1827, and provides for Registry of Vessels.

XX.—General..... .....Repeals Section VIII., Act XVII. of 1837, Post Office Act, and provides as to Bangy, &c.

XXI.—Ditto.....Coinage—Silver.

XXII.—Bengal.....Judicial System.

XXIII.—Madras .....Judicial System.

XXIV.—Bengal .....Bank of Bengal.

XXV.—H. M.'s Courts .....Wills of British-born Subjects.

XXVI.—Madras .....Judicial System.

XXVII.—Bengal .....Judicial System.

XXVIII.—H. M.'s Courts ..Perjury.

XXIX.—Bengal .....Salt Act.

XXX.—Ditto .....Registration.

XXXI.—H. M.'s Courts....Modifies Criminal Law.

XXXII.—Bengal ..... { Justice of the Peace, Powers of, in certain Cases.

1839.

I.—Bengal.....Distraints. Modifies Local Regulation.

II.—General.....Summary Enforcement of Fines by Magistrates.

III.—Ditto.....Subjects all Classes to Revenue Courts.

IV.—Straits Settlements....Police.

V.—Ditto.....Police.

VI.—Bengal.....Bank of Bengal.

VII.—Madras.....Revenue. Modifies Local Regulation.

VIII.—Bombay.....Subjects to the Code the Chinchnee Jagheer.

IX.—Bengal.....Pauper Suits.

X.—Ditto.....Political.

XI.—General.....Abolishes Fees in cases of Appeal to Her Majesty in Council.

XII.—Straits Settlements....Police.

XIII.—Madras.....Port Duties.

XIV.—General.....Emigration. Repeals Acts XXXII. and V. of 1837.

XV.—Madras.....Sugar Duty.

XVI.—Straits Settlements...Revenue.

XVII.—General.....Modifies (Post Office) Act XVII. of 1837.

XVIII.—Ditto.....Thuggee may be tried in any Court.

XIX.—Bombay.....Judicial Procedure. Modifies Clause 5, Sect. XIII. of Reg. XIII. of 1827.

XX.—Ditto.....Levy of Hucks and Fees, Government may prohibit.

XXI.—Calcutta.....Calcutta Police.

XXII.—H. M.'s Courts.....Defence of accused Persons.

XXIII.—General.....Court-Martial Sentences in certain Cases.

XXIV.—Madras.....Administration of Ganjam and Vizigapatam.

XXV.—Bombay.....Limits Power of Collectors as Magistrates.

XXVI.—Bengal.....Misconduct of Public Officers. Repeals certain Local Regulations.

XXVII.—Ditto.....Judicial System.

XXVIII.—Bombay.....Regulation of Buildings in the Island of Bombay.

XXIX.—General.....Law relating to Dower in Cases governed by English Law.

1839—*continued.*

XXX.—General .....Law of Inheritance in Cases governed by English Law.

XXXI.—H. M.'s Courts....Offences against the Mint.

XXXII.—General .....Allowance of Interest in certain Cases.

1840.

I.—Madras .....Judicial Procedure.

II.—General .....Execution of Sentences of Imprisonment by Courts-Martial.

III.—Bombay .....Bank Charter.

IV.—Bengal .....Disputed Possession of Land. Modifies Local Regulation.

V.—General .....Affirmation in Judicial Proceedings.

VI.—Ditto .....Bills of Exchange, Negotiation of.

VII.—Bengal.....Judicial System.

VIII.—Madras.....Punchayuts.

IX.—H. M.'s Courts.....Arbitrations.

X.—Bengal .....Abolition of certain Pilgrim Taxes.

XI.—Bombay .....Sentences of Imprisonment may combine Hard Labour with Solitary Confinement.

XII.—Straits Settlements....Assessments.

XIII.—General.....English Law as regards Agency, in Cases governed by it, extended to British India.

XIV.—Ditto.....Extending to British India English Law as regards necessity of Written Memorandum to render Engagement valid.

XV.—Bombay .....Extends Regulations XV. of 1827 and XIII. of 1830 to Agents of Foreign Sovereigns.

XVI.—General.....Regulates Management of Convicts transported to British India.

XVII.—Madras .....Salt Regulations.

XVIII.—Bombay.....Licenses for Sale of Liquors in Island of Bombay.

XIX.—Bengal.....Pauper Appeals. Modifies Local Regulation.

XX.—Ditto .....Modifies Local Regulation.

XXI.—Ditto.....Modifies Local Regulation.

XXII.—General .....Presidencies Vagrant Act.

XXIII.—Ditto.....Execution of Process of Mofussil Courts in Local Limits of Her Majesty's Courts.

XXIV.—Calcutta .....Municipal Act.

XXV.—Bengal.....Abkaree Revenue.

1841.

I.—Bengal ....Revenue.

II.—Bombay .....Regulating Sale of Ganza and Bhang.

III.—Ditto .....Petty Sessions and Police Magistrates, extending Jurisdiction of.

IV.—Ditto .....Public Conveyances, regulating.

V.—General .....Trials of State Offences.

VI.—Bengal .....Excise.

VII.—General .....Examination of absent Witnesses.

VIII.—H. M.'s Courts.....Procedure in certain Civil Cases.

IX.—Bengal .....Abkaree Revenue.

X.—General .....British Shipping Registry Act in East Indies.

XI.—Ditto .....Military Courts of Requests for Native Army.

XII.—Bengal.....Revenue Sale Law. Amending Local Regulation.

XIII.—General.....Explaining Provisions of Act XXV. of 1836, Bond-warehousing Act.

XIV.—Bombay.....Presidency Markets Regulation.

XV.—Bengal.....Repealing Local Rule with reference to Act XXIII. of 1840.

XVI.—General.....Oaths of Justices of the Peace.

XVII.—Bengal.....Judicial System.

XVIII.—General .....Exportation of Military Stores.

XIX—Ditto.....Protection of Property in Cases of Successions.

XX.—Ditto.....Collection of Debts in Cases of Successions.

XXI.—Ditto.....Prevention of Local Nuisances.

XXII.—Madras .....Municipal Rates.

XXIII.—Ditto .....Excise.

XXIV.—H. M.'s Courts....Applying certain Provision of English Law to Procedure of H. M.'s Supreme Courts.

XXV.—Ditto .....Contempts in Equity.

XXVI.—Ditto .....Extending certain Provisions of 3 & 4 Will. 4, c 42, to Cases governed by English Law.

XXVII.—Ditto.....Unclaimed Dividends of Insolvent Estates, Appropriation of.

XXVIII.—General .....Military. Extending Provisions of Act XXIII of 1839 to Camp Followers.

XXIX.—Bengal and Madras .Judicial Procedure.

1841—*continued.*

XXX.—General .....Punishing Contempts in Courts of the East India Company.

XXXI.—Bengal .....Judicial System.

1842.

I.—Bengal .....Excise.

II.—General .....Governor-General's Powers when absent from Calcutta.

III.—Calcutta .....Extending Act XXI. of 1839 to certain Cases.

IV.—Madras .....Boats and Catamarans, Regulation of.

V.—Bombay .....Spirit Licenses.

VI.—Ditto .....Nepanee Jaghire, annexing to British Territory.

VII.—Bengal .....Judicial Procedure. Repealing Local Regulation.

VIII.—General .....Definition "Sudder Court" declared applicable to all the Presidencies.

IX.—Ditto .....Extending 4 & 5 Vict. c. 21, in certain Cases, to Territories of East India Company.

X.—Bengal .....Municipal.

XI.—Bengal and Madras....Foreign Sugar Importation.

XII.—General .....Military Bazars, Regulation of.

XIII.—Bombay .....Holders of alienated Revenue, Assistance to, in Collection.

XIV.—Ditto .....Presidency. Nuisance Abatement Act.

XV.—General .....Mauritius Emigration Act.

XVI.—Bengal .....Zemindar's Leases.

XVII.—Bombay .....Sanctions Appointment of Two or more Revenue Commissioners.

XVIII.—Ditto .....Criminal Jurisdiction of Revenue Officers in certain Cases.

1843.

I.—General .....Registration of Title Deeds.

II.—Bengal. .....Judicial System.

III.—General. .....Amending Rules for Special Appeals.

IV.—Ditto .....Appeals from Justices of the Peace in Mofussil may lie to the Sudder Foujdaree Adawlut.

1843—*continued.*

V.—General .....Slavery, Condition of, in East Indies, Law declared regarding.

VI.—Bengal .....Judicial System.

VII.—Madras.....Judicial System.

VIII.—Ditto .....Judicial Procedure.

IX.—Ditto .....Bank of Madras Incorporation Act.

X.—Ditto .....Administration of Kurnool District.

XI.—Bombay.....Hereditary Officers. Rescinding Sects. XVII. and XVIII. of Reg. XVI. of 1827.

XII.—General .....Language in and time at which Decisions of Courts of Justice are to be recorded.

XIII.—Madras.....Public Officers' Misconduct, Inquiry regarding.

XIV.—Bengal. North West Provinces..... } Salt and Customs' Duties.

XV.—Bengal .....Uncovenanted Agency. Judicial Department.

XVI.—Ditto.....Police.

XVII.—H. M.'s Courts ....Appointment of Official Trustees.

XVIII.—General .....Better Custody of Thugs and Dacoits.

XIX.—Ditto.....Deeds Registration. Amending Act I. of 1843.

XX.—Ditto .. ..Power of Governor General absent from Council of India.

XXI.—Ditto.....Prohibits Emigration to Mauritius except from Port of Calcutta.

XXII.—Bengal.....Judicial System.

XXIII.—Ditto .....Judicial System.

XXIV.—General .....Dacoitee.

XXV.—Ditto.....Customs. Applying to India 5 & 6 Vict. c. 47, s. 11.

44.

I.—Madras.....Privileges of Nabob of Carnatic.

II.—General.....Appeals to Her Majesty in Council.

III.—Bengal.....Corporal Punishments.

IV.—Ditto .....Police. Repeals Local Regulation.

V.—General .....Lotteries, suppressing.

VI.—Madras .....Customs Act and Abolition of Transit Duties.

VII.—H. M.'s Courts .....Law of Evidence, improving.

1844—*continued.*

VIII.—General .....Native Military Prisoners under Sentence of Courts-Martial may be moved from one Prison to another.

IX.—Ditto .....Judicial Procedure.

X.—H. M.'s Courts.....Execution of Capital Sentences for Murder.

XI.—Calcutta. H. M.'s Supreme Court ..} Facilitating Dispensation of Justice in said Court.

XII.—General .....Indian Navy Mutiny Act.

XIII.—Bengal .....Coinage.

XIV.—General .....Transportation for Life, Sentences regarding.

XV.—Ditto .....Customs. Amending Schedules of Act XIV. of 1836, Act I. of 1838, and VI. of 1844. It is repealed by Act IX. of 1845.

XVI.—Bombay .....Salt Duty.

XVII.—Ditto .....Administration of the lapsed State of Colaba.

XVIII.—Bengal.....Gaol Economy.

XIX.—Bombay .....Abolishes Town Duties, &c. in Bombay Presidency.

XX.—General .....Extends to India, with certain limits, provisions of 5 & 6 Vict. c. 29, in Cases governed by English Law.

XXI.—Ditto.....Emigration of Coolies to West Indies.

XXII.—Ditto.....Copper Coinage.

1845.

I.—Bengal .....Revenue. Amends Local Regulation.

II.—Bombay.....Declares Punishment for Adultery.

III.—Bengal.....Judicial Procedure.

IV.—Ditto .....Registration of Deeds.

V.—Ditto .....Law Officers, Appointment of.

VI.—General .....Regulates Issue of Commissions of the Peace.

VII.—Bengal. North West Provinces .....} Rules regarding Canals.

VIII.—Bombay .....Amends Reg. IV. of 1827, Sect. 75, and Chap. XVII. regarding Security in Appeals.

IX.—General .....Customs. Amends Acts XIV. of 1836, I. of 1838, VI. of 1844, and Repeals Act XV. of 1844.

X.—Ditto .....Authorizes issue of Warrant in Failure to serve Summons in Criminal Cases.

1845—*continued.*

XI.—Bombay.....Bombay and Colaba Municipal and Police Rules.

XII.—Ditto .....Legalizes Acts of an uncovenanted Assistant Register to Sudder Adawlut,

XIII.—H. M.'s Court at Bombay.....} Extends power of Her Majesty's Supreme Court as to Admission of Attornies.

XIV.—Bengal .....Judicial System.

XV.—General .....Declares Privileges of Native Officers and Soldiers in the Indian Army in Revenue and Judicial Proceedings.

XVI.—Bengal and Madras..On Re-admission of Appeals dismissed under Act XXIX. of 1841.

XVII.—Bengal.....Judicial System.

XVIII.—General..... ....Punishment of Offences committed by Convicts sentenced to Imprisonment for Life.

XIX.—Ditto.....Incorporates the Assam Company.

XX.—Ditto.....Articles of War for the Native Indian Army.

XXI.—Bengal .....Suppression of Meriah Sacrifices in Oressa.

XXII.—General.....Powers of Governor General when absent from Supreme Council.

XXIII.—Ditto .....Union Bank of Calcutta.

XXIV.—Bengal.....Establishes Courts for Pilot Service.

XXV.—Madras.....Modifies Sect. VIII. Act XXI. of 1844. Emigration Act.

XXVI.—Calcutta..... ....Liquor Licenses.

XXVII.—Bengal.....Declares Power of Assistant Magistrate with reference to Act IV. of 1840.

XXVIII.—H. M.'s Court at Madras.....} Reforms the Procedure of Her Majesty's Supreme Court.

XXIX.—Bombay.....Authorizes Appointment of Joint Judges when required.

XXX.—Madras.....Authorizes Session Judges to award Fines in Compensation.

XXXI.—Bombay.....Exempts Pensions of Soldiers and others from Attachment.

XXXII.—Madras .....Excise.

1846.

I.—General .....Amends the Laws relating to Pleaders.

II.—Bombay.....Remits Duty on Cotton Wool imported at Bombay.

III.—Ditto .....Field Boundaries, Regulation of.

IV.—Bengal.....Sale of Land in Execution of Decrees.

V.—Bombay.....Police of City of Surat.

VI.—Bengal.....Administration of the Bhuttee Territory.

VII.—Ditto .....Witnesses' Diet Money.

VIII.—Bengal. North West Provinces .....} Revenue Settlement.

IX.—Madras .....Port Regulations, authorizing.

X.—Bengal.....Proceedings in Distraint for Rent.

XI.—Bombay.....Exempts certain Territory in Candesh from Regulations.

1847.

I.—Bengal. N.W.Provinces. Boundary Marks.

II.—General.....Explanatory of term " Her Majesty's Courts of Justice" in Act V. of 1840.

III.—Straits Settlements ....Police.

IV.—Madras .....Applies Principle of Act XIV. of 1835 to Madras Presidency.

V.—General.....Execution of Sentences of Courts situate beyond the ordinary Criminal Jurisdiction.

VI.—Straits Settlements ...,Copper Currency.

VII.—Calcutta.....Distraints in certain cases.

VIII.—Madras.....Emigration to Mauritius.

IX.—Bengal.....Recovered Lands, Assessment of.

X.—General.....Transportation for Life. Amending Act XXX. of 1836.

XI.—Straits Settlements ....Transportation from Hong Kong to Straits.

XII.—Bengal .....Repeals Law authorizing Fines on Moonsiffs in certain cases.

XIII.—General .....Repeals Act XIV. of 1839 as to Emigration to Ceylon.

XIV.—Bengal .....Judicial Procedure.

XV.—Calcutta.....Survey of Local Limits.

XVI.—Ditto.....Municipal Act.

1847—*continued.*

XVII.—Bengal and Madras ..... } Judicial Procedure.

XVIII.—Bengal ..... Registration of Deeds.

XIX.—General ..... Amending Articles of War for the Government of Native Troops contained in Act XX. of 1845.

XX.—Ditto ..... Copyright Law for India.

XXI.—Bombay. H. M.'s Supreme Court .. } Improves Mode of Procedure in.

XXII.—Calcutta ..... Municipal Act. Supplemental.

XXIII.—H. M.'s Supreme Courts ..... } Amends Act XXXI. of 1838.

1848.

I.—Bengal ..... Regulates Procedure in certain cases of Forgery.

II.—Calcutta ..... Municipal.

III.—General ..... Explains the expressions "Thug," "Thuggee," &c. in Acts of Government of India.

IV.—Ditto ..... Coroners' Juries.

V.—Bengal ..... Penal Recognizances.

VI.—General ..... An Act for equalizing the Duties on Goods carried in British and Foreign Bottoms, and for Abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East India Company.

VII.—Ditto ..... Amends the preceding Act VI. of 1848.

VIII.—Bengal ..... Modifies Reg. V. of 1827 of Bengal Code.

IX.—Straits Settlements .... Police and Municipal.

X.—Bombay ..... Annexes lapsed State of Mandvee to Bombay Presidency.

XI.—General ..... An Act for the Punishment of Wandering Gangs of Thieves and Robbers.

XII.—Calcutta ..... Jurisdiction of Small Cause Court.

XIII.—Bengal ..... Limitation in Revenue Suits

XIV.—Calcutta. H. M.'s Supreme Court .. } Commissions for taking Affidavits.

XV.—H. M.'s Courts ..... Forbids Trading by Officers of Supreme Courts.

1848—*continued.*

XVI.—Bengal. North West Provinces..... } Salt Trade in North West Provinces.

XVII.—Madras.....Judicial System.

XVIII.—Bombay.....Administration of Estate of late Nawab of Surat.

XIX.—Bengal and Madras..Judicial System.

XX.—Bengal.....Revenue System.

XXI.—H. M.'s Courts.....An Act for avoiding Wagers.

XXII.—Ditto.....An Act to simplify Indictments for Forgery.

XXIII.—Bengal .....Correcting Clerical Error in Act XXV. of 1840.

XXIV.—General.....Powers of Governor General absent from Calcutta.

XXV.—Bengal.....Restoring Jaghire of Bungapilly.

XXVI.—Straits Settlements..Extends to Straits Settlements Coroners' Jury Act, Act IV. of 1848.

XXVII.—General.....Amending Articles of War for the Indian Navy contained in Act XII. of 1844.

ERRATUM.

At page 69, in the note following Clause 3rd, Section VII. Regulation XXIX. of 1827, *for* Section LXI. Regulation IV. *read* Section LXXII. Regulation IV.

THE

CODE OF REGULATIONS

FOR THE GOVERNMENT OF

THE PRESIDENCY OF BOMBAY.

PRELIMINARY REGULATIONS.

Regulation .....I. A. D. 1827.
" " XXVIII. " "
" " XXXI. " "

REGULATION I., A. D. 1827.

A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay:—passed by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era, 1833, Salbahan, 1748, and 2d Jummadyool Akhir, 1242, of the Hijree.

Consisting of four (4) Chapters as below:

Chapter.	Title.	Section.
I.	Rescission of former Regulations	I.
II.	Forms of framing and publishing Regulations	II.
III.	Application and effect of Regulations	VI.
IV.	Rules for suspending the force of Regulations, and resorting to Martial Law in cases of necessity....	VIII.

WHEREAS it is essential to good government, to the full and certain attainment of the advantages of ex- Preamble.

Reg. I. 1827. perience in legislation, to public prosperity, and to the security and happiness of the subjects of the State, that the rules by which the administration of the country is conducted should be publicly known, it has therefore been deemed expedient that all Regulations, which may be passed by the Government of Bombay, affecting in any respect the rights, persons or property of its subjects, and the reasons for passing the same, should be published with translations in the native languages, and formed into a regular Code, and that such Regulations should be of paramount authority on the points which they determine to all other acts, orders or measures of Government; and whereas, from the year 1799 to the present period, various Regulations have been passed in accordance with these views by the Governor in Council, which it has been resolved to consolidate, with such alterations as have been approved, into a more perspicuous and convenient form, the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

The Regulations of A. D. 1827, with the exception of such as relate to stamps, were brought into force from the 1st September, 1827, and those relating to stamps from 1st November, 1827, by Regulation XXVIII. of 1827.

CHAPTER I.

RESCISSION OF FORMER REGULATIONS.

Former Regulations rescinded. Exceptions.

SECTION I — All Regulations issued prior to 1st January, A. D. 1827, are rescinded, except those maintained in force for a temporary purpose by Regulation XX. of 1827.

CHAPTER II.

FORMS OF FRAMING AND PUBLISHING REGULATIONS.

Divisions of the Code, Branches.

SECTION II.— *Clause 1st.*—The Code shall be composed, in addition to the subject of the present Pre-

liminary Regulation, of Branches descriptive of the principal subjects of legislation.

Regulations how to be marked and numbered.

Clause 2nd.—Each Regulation shall be marked with the date of the day and year in which it was passed, and shall be numbered according to its order in the Regulations of the year; and, if it be upon the subject of any former Regulation, it shall further be described and numbered as a Supplement to such Regulation. It shall also, unless it be a Supplement to the present Regulation, bear on the commencement of it a specification of the Branch of the Code to which it belongs.

When as Supplements.

According to forms given.

Clause 3rd.—Examples of the forms prescribed in the preceding clause will be found in Appendix (A).

This and the other Appendix are omitted, legislative authority having passed from the Bombay Government, and being vested in the Governor General of India in Council by 3 & 4 Will. IV. c. 85.

Each Regulation to have a Title and Preamble,

Clause 4th.—Each Regulation shall have a title expressing concisely its subject, and a Preamble stating the reasons for enacting it.

and to be divided when necessary into Chapters, and composed of Sections and Clauses,

Clause 5th.—Each Regulation shall be divided, if requisite, into Chapters, and shall be composed of Sections numerically arranged, the numeration being continuous throughout the Regulation, and, when convenient, a subdivision into Clauses shall be used, which shall also be numerically arranged; Forms, Lists and Explanations may be added in Appendixes alphabetically distinguished.

and to be furnished with Appendixes when necessary.

Each Chapter to have a title, and each Section and Clause a marginal abstract.

Clause 6th.—The subject of each Chapter shall be concisely and conspicuously stated at the commencement, and the subject of each Section and Clause shall be stated in the margin.

List of the Regulations to be made.

Section III.—The court of Sudder Adawlut shall draw out and forward, on the first February of each year, to the Governor in Council, for publication, a List, according to the form contained in Appendix (B),

of the titles of all Regulations, including the titles of their respective chapters, which may have been published previously to the preceding year, the number of the section with which each chapter commences being also specified with the title of the chapter; the Regulations shall be arranged in the list according to their dates and numbers in the Code, except that supplementary Regulations shall be entered immediately after the Regulations to which they are supplementary.

Rescission how to be entered in the list.

In a separate column, opposite to the title of each chapter or Regulation, shall be inserted any rescission that may have been made, specifying the particular part (if partial) by reference to the numbers of chapters, sections, or clauses, as the case may be, and referring in the same way to the rescinding enactment; but, if a whole Regulation has been rescinded, it shall not be necessary to enumerate the chapters or their titles.

An Index also to be published, but the List and Index have no force as law.

A copious Index to the Code will also be published periodically, under the directions of Government; but neither the List nor Index shall be of any force as an enactment.

Regulations how to be translated and published.

Section IV.—The Code shall be translated, by such persons as the Governor in Council may appoint, into such languages as may be required for the use of each district, and copies of the translation shall be kept at each Zilla Court, to be inspected by any one who may desire.

How new ones may be proposed by public authorities, and how they may be framed and published.

Section V.—Public authorities holding direct communication with Government, should they deem new enactments necessary, are to submit the same (but not in the shape of a Regulation), with their reasons for recommending them, to the Governor in Council, through the medium of the Court of Sudder Adawlut, which, in forwarding them, will add such observations as it may conceive to be useful. The framing and publishing of Regulations in the prescribed mode will be conducted under the orders of the Governor in Council.

CHAPTER III.

APPLICATION AND EFFECT OF REGULATIONS.

Time and place of Regulations taking effect.

SECTION VI.—Regulations are to be in force at such places, and from such periods, as may be declared in a Regulation actually in force.

I. Regulation XXVIII. of 1827, brings the Regulations of 1827 into force from the 1st September and 1st November, 1827, in the Bombay territories before subject to the Regulations. The territories acquired from the Peishwa in the Dekhan and Khandesh are brought under the Regulations by Regulation XXIX. of 1827; certain other villages in Khandesh by Regulation X. of 1830; the Peishwa's territories in the southern Maratta country by Regulation VII. of 1830; the territory in the Mahabaleshwar hills, ceded by the Raja of Satara, by Regulation XIV. of 1830; and certain villages ceded by Angria Sirkeil, by Regulation II. of 1834. The Jagheer of Chinchnee is brought under the Regulations by Act No. VIII. of 1839; and certain villages belonging to the Nepaunee Jagheer, &c. by Act No. VI. of 1842.

Act X. of 1848 annexes the state of Mandvee to the Bombay Presidency; and a proclamation of Government, dated 31st May, 1848, includes it in the Surat Zilla.

Act XI. of 1846 exempts certain villages in Khandesh from the Regulations.

II. For the administration of justice in the state of Colabah, vide Act XVII. of 1844, and the Rules prescribed in conformity therewith by the Governor in Council, published 14th November, 1845.

Regulations how to be construed.

SECTION VII.—*Clause 1st.*—One part of a Regulation is to be construed consistently with another, so that the whole may stand.

The interpretation of the law, when in force, reserved to the Government for two (2) years.

Clause 2nd.—And, that the Code to be now framed may not be construed by that hitherto in use, with which the local authorities have been long familiar, the Governor in Council reserves to himself, for a period of two (2) years after the commencement of the operation of the new Code, the privilege of declaring the meaning of the law; and such meaning, declared

Reg. I. 1827. Chap. III.

and promulgated as Government may direct, shall be the legal interpretation:

and then vested in the Sudder Adawlut.

Clause 3*rd*.—After the said period of two (2) years, the interpretation of the law shall be vested in the Sudder Adawlut.

CHAPTER IV.

RULES FOR SUSPENDING THE FORCE OF REGULATIONS AND RESORTING TO MARTIAL LAW, IN CASES OF NECESSITY.

Suspension of civil and criminal law,

SECTION VIII.—In case of war or rebellion, the Governor in Council may, by proclamation made in such manner as he may deem advisable, direct civil and criminal law to be suspended at such places and for such period, while the war or rebellion continues, as he may think necessary for the public safety.

during which period acts of treason and rebellion may be tried by court martial,

SECTION IX.—During the suspension of law as above mentioned in the preceding section, the Governor in Council may order acts of treason or rebellion against the British Government, committed during such period by persons owing, by birth or residence, allegiance to the said Government, to be tried by court martial; and any person so tried and convicted shall be liable to the immediate punishment of death.

and punished with death,

and other crimes as Government may direct.

SECTION X.—During the suspension of law as above mentioned, the trial and punishment of crimes and offences not included in the preceding section, and the general police of the country, shall be conducted as the Governor in Council may prescribe for the occasion.

Government may, at its option, reserve offenders for trial in the ordinary way.

SECTION XI.—The Governor in Council may, at his option, instead of following the course authorized in the two preceding sections, cause to be reserved for trial by the ordinary course of law, when restored, any person charged with having committed any of the offences specified in the above quoted sections during the suspension of the ordinary law, and such person

shall be amenable to such trial in the same manner as if the offence had been committed while the ordinary law was in force.

REGULATION XXVIII., A.D. 1827.

A Regulation for fixing the Date from whence certain Regulations passed on the 1st January, 1827, are to take effect:—passed by the Governor in Council at Bombay, on the 1st August, 1827, corresponding with the 9th Shravan Sood Sumbut or Vikramajeet Era, 1883, Salbahan, 1749, and 7th Mohurrum, 1243, of the Hijree.

Preamble.

WHEREAS on the 1st January, 1827, twenty-six (26) Regulations were passed, the several preambles to which provided that the said Regulations should take effect from "such date as shall be prescribed in a Regulation to be hereafter passed for that purpose," the following rules are therefore enacted to fulfil the object therein contemplated.

The Regulations of 1827 in force from the 1st September, 1827, except such as relate to stamps,

SECTION I.—*Clause 1st.*—The Regulations numbered from I. to XXVI. of 1827, in so far as not affected by Regulation XXVII. of 1827, shall, with the exception of Regulation XVIII., and of any rules in the said Regulations which relate to stamps, and with the exception also of any rescission of the rules heretofore existing on the subject of stamps, take effect from the 1st September, 1827, through the Bombay territories heretofore subject to the Regulations.

which will take effect on the 1st November, 1827.

Clause 2nd.—Regulation XVIII. of 1827, and all other rules regarding stamps in the Regulations of 1827, shall take effect from the 1st November, 1827, when Regulation XIV. of 1815, and any other rules

Reg. XXVIII. 1827. heretofore existing on the subject of stamps will stand rescinded.

Regulations IX. and X. of 1828 rescind any exceptions to the operation of the Code under Regulation XXVII. of 1827, and its supplements, which are repealed by the same.

REGULATION XXXI., A. D. 1827.

A Regulation to explain the Principles on which the Introduction of the revised Code of Regulations is to be effected:—passed by the Governor in Council at Bombay, on the 1st August, 1827, corresponding with the 9th Shravan Sood Sumbut, or Vikramajeet Era, 1883, Salbahan, 1749, Fusly, 1237, Soorsun, 1228, and 7th Mohurrum, 1243, of the Hijree.

Preamble. WHEREAS it has been enacted by Regulations XXVIII., XXIX. and XXX. of 1827, that the revised Code of Regulations, numbered from I. to XXVI. of 1827, with certain alterations, modifications and exceptions, is to commence operation on the 1st September, 1827, throughout the zillas subordinate to Bombay in Guzerat, the Konkans, the Dekhan, and Khandesh; and whereas it is necessary to declare the principles on which the commencement of the operation of the new Regulations is to be conducted, the following rules have therefore been enacted:

Public officers appointed and qualified to the 1st September to be held duly qualified. SECTION I.—*Clause 1st.*—All public functionaries, European and native, in the judicial department, inclusive of superintendents of military bazars, and in the revenue or commercial departments, filling offices and charged with duties to the 1st September, 1827, under the Regulations, as regards the Presidency and the zillas of Guzerat and the Konkans, and under the

orders of Government, as regards the Dekhan and Khandesh, are hereby declared to be duly appointed and qualified to act under the new Regulations, in the same way as if they had been appointed and qualified under the Regulations of 1827.

But the designations, register and assistant register, in the zilla courts, are abolished.

Clause 2nd.—But registers and assistant registers of zilla courts will, from the above mentioned date, in supercession of their present designations, be styled in the civil department "senior and junior assistant judges," and in the criminal department in Guzerat and the Konkans, "senior and junior assistant criminal judges;" and Moonsiffs in the zillas of the Dekhan and Khandesh will also, in supercession of their present designation, be styled "commissioners."

Also that of moonsiffs.

Designation of Moonsiff is restored by Act XXIV. of 1836.

Pleaders duly practising to the 1st September are held to be qualified.

Clause 3rd.—All pleaders authorizedly practising in the several courts to the 1st September, 1827, are hereby declared to be duly qualified to act under the new Regulations, in the same way as if they had been duly appointed under Section XLVIII., Regulation II., or Section VI., Regulation XXIX., of 1827.

The limits of Sudder stations until marked according to the new Regulations to be taken as at present.

Clause 4th.—The limits of the Sudder stations of zillas subject to the police jurisdiction of the criminal judges of Guzerat and the Konkans, shall, until marked out as provided by Regulation XII. of 1827, Section II., Clause 1st, be held to be as recognized, to the 1st September, 1827.

The police of the Sudder stations, except Surat, is placed under the magistrate by Regulation IV. of 1830. The exception of Surat is annulled by Act No. V. of 1846.

And marked cantonments deemed to have been laid down according to the new Regulations.

Clause 5th.—The limits of military cantonments, duly marked under the provisions of Regulation III. of 1826, throughout the zillas of Guzerat, the Konkans, the Dekhan, and Khandesh, shall be held to be the legal limits, in the same way as if they had been marked out under the provisions of Regulation XXII. of 1827, Section XXI., Clause 1st.

Reg. XXXI. 1827.

Suits and cases in progress to be conducted according to the new Regulations, but the Sudder Adawlut may direct otherwise for good reasons.

Clause 6th.—All civil and criminal proceedings in progress to the 1st September, 1827, will continue before the authorities taking cognizance of them, and will be further conducted according to the rules contained in the Regulations of 1827; but the Sudder Adawlut shall have authority to direct this course to be deviated from, whenever the said court shall consider it to be attended with great inconvenience, or with injustice to any one; and it will be the duty of subordinate authorities to refer all doubtful cases of this nature to the Sudder Adawlut for its instructions.

CIVIL BRANCH,

CONTAINING

Regulation		II.	A. D.	1827.
Supplements	1st	VII.	..	1828.
	2nd	I.	..	1830.
	3rd	XVIII.	..	1831.
	4th	II.	..	1833.
Regulation		XXIX.	..	1827.
Supplements	1st	IV.	..	1828.
	2nd	V.	..	1828.
	3rd	X.	..	1830.
	4th	XVIII.	..	1830.
	5th	I.	..	1831.
	6th	XVI.	..	1834.
	7th	I.	..	1834.
Regulation		VII.	..	1830.
„		XIV.	..	1830.
„		II.	..	1834.
„		III.	..	1827.
Supplement	1st	VI.	..	1834.
Regulation		IV.	..	1827.
Supplements	1st	II.	..	1830.
	2nd	XII.	..	1830.
	3rd	VII.	..	1831.
Regulation		V.	..	1827.
„		VI.	..	1827.
„		VII.	..	1827.
„		VIII.	..	1827.
„		IX.	..	1827.
Supplement	1st	XIII.	..	1828.
Regulation		X.	..	1827.
„		XXVII.	..	1827.
Supplements	1st	I.	..	1828.
	2nd	II.	..	1828.
	3rd	IX.	..	1828.
	4th	X.	..	1828.
Regulation		XIII.	..	1830.

Reg. II. 1827. Chap. I.

REGULATION II., A.D. 1827.

A Regulation for defining the Constitution of Courts of Civil Justice, and the Powers and Duties of the Judges and Officers thereof:—passed by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Consisting of six (6) Chapters, as below:

Chapter.	Title.	Section.
I.	Of the Supreme Court or Sudder Adawlut	I.
II.	Of Zilla Courts, inclusive of the Subsidiary Courts of the Assistant Judges.....	XVI.
III.	Of the Appointment, Removal and Punishment of Officers of Courts	XXXIV.
IV.	Of Courts of Commissioners for deciding Civil Suits.....	XXXVII.
V.	Of Courts for the Recovery of Debts due by British Subjects	XLV.
VI.	Of Pleaders.....	XLVII.

Preamble.

WHEREAS it is essential to the due administration of the laws, and to the ends of good government, that the constitution of courts of justice, and the powers and duties of the judges and officers thereof, should be defined and promulgated, the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE SUPREME COURT OR SUDDER ADAWLUT.

Constitution of the Sudder Adawlut, and its civil designation.

SECTION I.—*Clause 1st.*—There shall be a Supreme Court, or Sudder Adawlut, the seat of which shall, on being fixed or changed, be made known by Proclamation issued from Government; the said court shall

be vested with civil jurisdiction over all the territories subordinate to the Presidency of Bombay, in which the Code of Regulations has operation by enactment, and shall in the exersise of such jurisdiction be denominated "*Sudder Dewanee Adawlut.*"

I. Act No. VIII. of 1842 provides, that in future acts generally applicable to all the presidencies the term "Sudder Court" shall be held applicable to the highest civil and criminal courts respectively of all the presidencies.

II. For the jurisdiction of the Sudder Dewanee Adawlut in Colabah, vide Act XVII. of 1844, and the rules prescribed in conformity therewith by the Governor in Council, and published 14th November, 1845.

The court how composed.

Section II.—The court shall consist of three or more judges, the senior to be denominated "*chief judge,*" and the others "*puisne,*" or "*second,*" "*third,*" "*fourth,*" &c.

Regulation I. of 1830, section II. enacts, that a Member of Council shall be chief judge of the Sudder Adawlut.

Its seal.

Section III.—*Clause 1st.*—The court of Sudder Dewanee Adawlut shall use a circular seal two inches and a quarter in diameter, bearing in the English, Mahratta, Guzerattee and Persian languages, the following inscription—"*Sudder Dewanee Adawlut of Bombay.*"

Where to remain.

Clause 2nd.—The seal shall remain in the custody of the register of the court.

Oaths of the judges.

Section IV.—Each judge, previously to exercising any of the functions of his office, shall take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the *Oath* contained in Appendix (A).

Act No. XXI. of 1837 enables the Governor in Council to dispense with oaths, substituting a declaration in writing to be made and subscribed before the functionay by whom the oath would have been administered. A declaration, as prescribed in this Act, is substituted for oaths of office, which are dispensed with; vide Circular Order of the Sudder Foujdaree Adawlut, dated 15th July, 1840, printed No. 216.

The court to receive appeals and revise and rectify the proceedings of inferior tribunals:

Section V.—*Clause* 1*st.*—It shall be the duty of the Sudder Dewanee Adawlut to hear and determine appeals against decrees and orders passed in the zilla courts, and in certain cases to enforce the hearing of suits and complaints by such courts, to enjoin an adherence to forms of proceedings prescribed by the Regulations when neglected or infringed, and to give such directions with respect to forms not provided for by the Regulations as it may deem expedient.

also to call for and regulate such proceedings.

Clause 2*nd.*—It shall also be competent to the said court to call for the proceedings of any subordinate civil court, and to issue such orders thereon as the case may require:

To remark and report misconduct of judges and their assistants.

Section VI.—*Clause* 1*st.*—It shall further be the duty of the Sudder Dewanee Adawlut to examine into and point out and remark on, and, if necessary, report to the Governor in Council, any acts of negligence or misconduct on the part of the zilla judge, or any other covenanted servant employed in a court of civil justice:

To try cases of misconduct of native officers of court,

Clause 2*nd.*—To investigate charges of negligence or misconduct preferred against any native officer of the court, or to refer the charges to one or more of its members for the purpose, and, if considered advisable, to employ against such officer the powers vested in it for his suspension or dismission:

or to direct the judge on circuit to try them,

Clause 3*rd.*—To direct the judge on circuit to investigate all similar charges preferred against any kazee, commissioner for deciding civil suits, or pleader, or against any law officer; and if the report of the judge on circuit convince the Sudder Adawlut that the alleged offence has been committed, to report, in the case of a kazee, the circumstances to Government, and in the case of any other of the above-mentioned officers, to employ against the individual accused the power vested in it for his suspension or dismission:

the complainant having applied in vain to the zilla judge.

Clause 4*th.*—But before any measures be adopted as authorized in the preceding clauses, the person pre-

ferring the complaint (if the case shall not have been received from the zilla judge) shall make oath that he applied in the first instance to the judge of the zilla to which the offender belonged, and failed to procure redress; and if the judge on circuit shall discover during the investigation that such application was not made, or that it was made and met with suitable attention, he shall cease from further proceedings and acquaint the Sudder Adawlut of the same.

Power of arrest in Bombay granted to the Sudder Dewanee Adawlut by act of parliament.

Section VII.—By the provisions of 53 Geo. III. c. 155, s. 113, the Sudder Adawlut is vested with authority to execute all manner of lawful process of arrest, within the limits of the town and island of Bombay, on persons subject to its jurisdiction, provided that such process shall be in writing, and that a translation of it, or of its substance, signed by one of the judges of the said Sudder Adawlut, shall be underwritten, or indorsed thereon, or annexed thereto.

I. This section is made applicable to the case of revenue defaulters by Regulation XVII. of 1827, Section XII. Clause 7.

II. Act XXIII. of 184[illegible] provides for the execution of process of the Mofussil courts in the Island of Bombay.

The court to forward to government when required its own proceedings or those of other courts.

Section VIII.—*Clause* 1*st*.—The Sudder Dewanee Adawlut shall, on demand from the Governor in Council, furnish copies of its own proceedings, or those of any subordinate court, on any subject which may be required.

Also returns.

Clause 2*nd*.—The Sudder Dewanee Adawlut shall also forward to the Governor in Council such returns of suits filed or decided, or of any other judicial matters, as may be required by the latter authority, whether the returns relate to business transacted in the Sudder Dewanee Adawlut, or any court subordinate to it.

A court formed by three or more judges for trying appeals in the second instance.

Section IX.—*Clause* 1*st*.—Three or more judges of the Sudder Dewanee Adawlut shall constitute a court for the trial of appeals requiring such tribunal under the provisions of Section X.

For other purposes two judges suffice; but if they differ in opinion a third must sit.

Clause 2nd.—For other purposes, two or more judges shall constitute a court; if two judges only sit, and they concur, their act shall be the act of the court: but if they differ, the opinion of a third judge shall be requisite; and decision shall be according to the majority of voices:

Decision how made when the voices of four judges are equally divided, and when more than four judges sit.

Clause 3rd.—If four judges sit, and the number of voices is equal, the senior judge shall have the casting voice:

Clause 4th.—If more than four judges sit, the decision shall be according to the majority of voices; but if the number of voices is equal, the senior judge shall have the casting vote:

Referring judge's opinion a vote.

Clause 5th.—But in any matter referred to the court by one of the judges, his recorded opinion shall be considered as a vote.

Appeals tried by one judge.

Section X.—*Clause 1st.*—All appeals to the Sudder Dewanee Adawlut shall in the first instance be referred by the court to one of its judges, who shall pass judgment therein, provided such judgment confirm the decree appealed from.

In what cases reserved for trial by the court.

Clause 2nd.—But if the judge is not prepared to confirm the decree, he shall record his opinion that a full court is required; and the suit shall thereafter be tried by a court consisting of any three or more judges of the Sudder Dewanee Adawlut.

Appointment and oaths of the register and his assistant.

Section XI.—*Clause 1st.*—The court shall have a register and one or more assistant registers, who, previously to entering on the duties of their offices, shall take and subscribe in open court the *Oath* contained in Appendix (B).

See note to Section IV.

The register to file appeals and official papers.

Clause 2nd.—The duty of the register shall be to file all appeals, receive and mark all pleadings, exhibits and other papers in suits, and to receive and file all papers which may be brought into court.

Clause 3*rd.*—The register shall keep the minutes of the court, shall prepare and sign all orders, precepts, and all other process issuing from the court, and prepare decrees for the signature of the judges; To keep the court's minutes, sign its processes and prepare its decrees.

Clause 4*th.*—It shall further be his duty to take depositions out of court when so authorized, and generally to perform all such official acts as the court may direct. To take depositions, &c.,

Clause 5*th.*—He shall also have charge of the general records. and to keep the records.

Clause 6*th.*—The assistant registers shall be denominated "*first*," "*second*," &c. as expressed by their respective orders of appointment; they will assist the register in the performance of his duties, and the highest assistant present will act for him in his absence. Duties of the assistant register.

Act No. XII. of 1845 enacts, that any duties performable by the register of the Sudder Adawlut may be assigned by the court to the uncovenanted assistant register.

Section XII.—*Clause* 1*st.*—There shall be placed under the orders of the register such number as may be requisite of serishtadars and record-keepers. Appointment of the serishtadar and record-keeper,

Clause 2*nd.*—The duties of the serishtadar shall be to take down depositions, prepare rules, orders and other process, examine accounts, and make translations or copies of papers, &c. in the different languages used in the court. Duties of the former,

Clause 3*rd.*—The duties of the record-keeper shall be to assist the register in keeping and arranging the native records. and the latter.

Clause 4*th.*—Previously to entering upon the duties of his office, each serishtadar and record-keeper shall take and subscribe in open court the solemn declaration contained in Appendix (C). Their declarations.

Section XIII.—*Clause* 1*st.*—The court shall have Law officers.

such establishment as Government may deem necessary of Hindoo and Mohummudan law officers.

Their declarations,

Clause 2*nd.*—Previously to entering upon the duties of their respective offices, they shall take and subscribe in open court the solemn declaration contained in Appendix (C).

and duties.

Clause 3*rd.*—It shall be the duty of the law officers to attend the court, and to give answers, either verbally or in writing, under their signatures, to such questions on points of their respective laws as may be required, and further, to perform such duties as the court may deem connected with the functions of their offices.

The nazir and his inferior officers.

Section XIV.—*Clause* 1*st.*—The court shall have a nazir, with such number of inferior officers as the extent of his business may require.

Security to be furnished by the nazir.

Clause 2*nd.*—Previously to executing any of the functions of his office, the nazir shall provide two sufficient securities, who shall enter into a bond in such sum as the court may judge necessary, binding themselves to be answerable for his faithful discharge of his duties, according to the form contained in Appendix (D).

His declaration,

Clause 3*rd.*—He shall also take and subscribe, in open court, the solemn declaration contained in Appendix (C).

and duties.

Clause 4*th.*—It shall be the duty of the nazir to serve summonses, to take securities, to execute orders, and generally to fulfil such instructions as he may receive from the court, returning the precept containing the same, with an indorsement specifying the manner in which they were executed, or the cause that has prevented their execution.

Administrator of oaths.

Section XV.—The court shall have, for the purpose of administering oaths, such establishment as may be deemed requisite of duly qualified persons of different persuasions.

CHAPTER II.

OF ZILLA COURTS, INCLUSIVE OF THE SUBSIDIARY COURTS OF THE ASSISTANT JUDGES.

Appointment of a judge

Section XVI.—*Clause* 1*st.*—There shall be a judge in each zilla, who shall preside over the court of Adawlut, and have general control over the establishment annexed thereto.

Regulation XVIII. of 1830 provides for the appointment of a joint judge in the zilla of Poona; and Act No. XXIX. of 1845 empowers Government to appoint a joint judge and session judge in any zilla when expedient.

in each of the zillas under Bombay, which may be altered by Government proclamation.

Clause 2*nd.*—The zillas at present established under the Presidency of Bombay are as specified in Appendix (E); but it is hereby enacted, that their number and respective limits may at all times be altered by proclamation by Government, provided that no territory shall be rendered subject to the Regulations except by Regulations.

His court where to be held.

Section XVII.—The judge shall ordinarily hold his court at the Sudder station; but, if circumstances render it necessary, he may, with the permission of the Sudder Adawlut, hold it, by adjournment, at any other place within the zilla.

His seal.

Section XVIII.—Each zilla judge shall use a circular seal one inch and three-quarters in diameter, bearing the following inscription in English and in the language and character of the country in which he holds his court "*Court of the Zilla of* ——."

His oath.

Section XIX.—The judge, previously to exercising any of the functions of his office, shall take and subscribe, before the Governor in Council, or any person whom he may commission to administer it, the *Oath* contained in Appendix (A).

See Note to Section IV.

Reg. II. 1827. Chap. II.

An acting judge when to be appointed.

Section XX.—*Clause* 1*st.*—In case of the absence of the judge, the Governor in Council may delegate to the assistant judge of highest rank on the spot authority for the temporary execution of the whole or any part of the duties of judge, or appoint any other person to discharge them.

His oath.

Clause 2*nd.*—The acting judge, previously to exercising any of the functions of his office, shall take and subscribe, in open court, before the assistant judge of highest rank on the spot, the *Oath* contained in Appendix (A), unless the Governor in Council shall himself have administered the Oath, or shall have exclusively commissioned any other person to administer it.

See note to Section IV.

Jurisdiction of the court in regard to the receiving of suits.

Section XXI.—*Clause* 1*st.*—The jurisdiction of the civil court shall extend to the cognizance of all original suits and complaints between natives and others, *not British-born subjects*, respecting the right to movable or immovable property, rents, Government revenues, debts, contracts, marriage, succession, damages for injuries, and generally of all suits and complaints of a civil nature, it being understood that no interference on the part of the court in caste questions is hereby warranted, beyond the admission and trial of any suit instituted for the recovery of damages on account of an alleged injury to the caste and character of the plaintiff, arising from some illegal act or unjustifiable conduct of the other party.

How limited from the nature of the case.

Clause 2*nd.*—Provided that, in the case of immovable property, it is situated within the zilla, and that in other cases the cause of the action shall have arisen, or the defendant, when the suit commenced, shall have resided as a fixed inhabitant within its limits,

The Nawab of Surat's exemption being preserved.

but without prejudice to the exemption from the jurisdiction of the civil court enjoyed by the Nawab of Surat, his relations and servants, by virtue of the

treaty concluded between the Company and the Nawab on the 13th May, 1800, of the 7th Article of which a copy is contained in Appendix (F) to this Regulation.

From prior of simultaneous investigation in a competent court.

Clause 3*rd.*—And provided that no decree has been obtained, or that no suit is pending on the matter in dispute in that or any other court of competent jurisdiction.

From the matter coming under the collector's cognizance.

Clause 4*th.*—And provided that the suit be not one of those which come under the civil cognizance of the collector, as relating to land, its rent and produce, and other similar matters, in pursuance of the provisions of Chapter VIII., Regulation XVII., of 1827.

From the plaintiff being a British-born subject.

Clause 5*th.*—And provided, that, if the plaintiff be a British-born subject, not in the service of his Majesty or the Company, and shall reside at a distance of more than ten (10) miles from the Presidency, he shall have conformed to the Rules prescribed by 53 Geo. III. c. 155, s. 108, which directs, that such British subjects shall procure certificates from Government of permission so to reside, specifying the place, and whether during the pleasure of Government or for a limited time, and also that such British subject shall deposit his said certificate in the civil court of the respective district within one month after commencing residence therein, and that a copy thereof, attested by the judge or other authorized officer of the said court, shall be delivered to the said British subject, and shall be deemed evidence of the certificate on all occasions, unless the contrary be shown; but, by the said enactment, it is not incumbent for such certificates to be procured, if the residence commenced by the 10th April, 1814; and the civil court is empowered to entertain a suit without any certificate having been filed, if affidavit be made by the party satisfactorily accounting for the same.

Suits against certain persons, and for certain matters, not to be admitted.

Clause 6th.—And provided also, that the suit be not against a person and in a matter belonging to the jurisdiction of either of the Military Courts of Requests constituted respectively by the Act 4 Geo. IV. c. 81, s. 57, and Regulation XXII. of 1827, Section VII., and that it be not for any matter of the nature described in section 66 of the above quoted Act.

Court's jurisdiction over British-born defendants.

Clause 7th.—The court shall have jurisdiction over British-born subjects to the extent laid down in Chapter V. of this Regulation.

I. Regulation XXIX. of 1827, Sections III., IV., V. and VI. and Regulation VII. of 1830, remove certain suits from the cognizance of the civil courts in the Dekhan and South Mahratta Country.

II. Act XI. of 1836 enacts, that, from and after the 1st day of June, 1836, no person whatever shall, by reason of place of birth or of descent, be in any civil proceeding whatever exempted from the jurisdiction of the Sudder Dewanee Adawlut, the zilla judges, principal Sudder ameens, Sudder ameens, and moonsiffs. This enactment is extended to the case of assistant judges by Act XXIV. of 1836, Section V., and to that of the revenue courts, in matters connected with rent, by Act No. III. of 1839.

III. The title of "Nawab of Surat" having been declared extinct on the death of the late holder, the exemption specified in Clause 2nd ceased to have effect. Act XVIII. of 1848 provides for certain privileges to the relatives of the late Nawab, and for the administration to his estates.

IV. The provisions of Chapter VIII., Regulation XVII. of 1827, are modified by Act XVI. of 1838.

V. The provisions of Clause 5th (above) must be read with reference to the 3 & 4 Wm. IV. c. 85, ss. 81 and 86, and to Act IV. of 1837.

VI. The provisions of Clause 6th must be read with reference to the 3 & 4 Victoria. c. 37. which law reveals the 4 Geo. IV. c. 81.

And over collectors and all public officers.

Section XXII.—The jurisdiction of the civil court shall also extend over collectors of the revenue and customs, and generally over all public officers, whether Europeans or others, within the zilla, for acts done in

their official capacity unauthorized by any established Regulation.

Regulation I. of 1830, Section V., Clause 2nd, provides, that suits coming under this Section are to be tried by the judge, or his assistants.

Judge's appellate jurisdiction.

Section XXIII.—The jurisdiction of the zilla judge shall further extend to the cognizance, by appeal, of suits previously tried by an inferior court, as specified in Regulation IV. of 1827, Section LXXII.

The judge to superintend the proceedings of inferior courts.

Section XXIV.—It shall be the duty of the judge to inspect the proceedings of all inferior courts within the zilla, to see that the forms of proceedings prescribed by the Regulations are adhered to, and to give such directions with respect to forms not provided for by the Regulations as he may deem expedient.

To receive and forward to Government complaints in certain cases against European public officers.

Section XXV.—*Clause* 1*st*.—It shall be the duty of the judge to receive all complaints, preferred in writing, charging any European officer attached to the judicial, revenue, commercial or any other public department within the zilla, with corruption or extortion, to take the oath of the complainant as to the truth of the complaint, and to forward it without delay to the Governor in Council.

Act VI. of 1838 authorizes commissioners, appointed to investigate such charges, to summon witnesses, and examine them on oath.

To try cases of misconduct of native public officers under his control, and report, suspend, or dismiss them as authorized in the particular case.

Clause 2*nd*.—It shall also be the duty of the judge to receive all complaints, preferred in writing, charging any of the ministerial or law officers of the court, or any kazee, commissioner or pleader, with negligence or misconduct in the discharge of his public duty, or with acts of profligacy in his private conduct, to take the oath of the complainant, and if the truth of the complaint should appear to be established, to report, in the case of a kazee, the circumstances to Government, and, in the case of any other of the above mentioned officers, to employ against the individual ac-

cused the power vested in him for the suspension or dismission of such officer.

The judge to have the control and direction of the civil gaol.

Section XXVI.—The judge shall have the control of the civil gaol of the zilla, which he shall visit, or depute an assistant to visit, at least once in each month, and shall issue such orders connected with the economy thereof, and the good management, accommodation, health and security of the prisoners, as he may deem necessary.

To obey all orders of the Sudder Dewanee Adawlut or judge of circuit.

Section XXVII.—*Clause* 1*st.*—The judge shall also obey all precepts or orders issued to him, either by the Sudder Dewanee Adawlut, or by a judge of circuit, and shall make a return to every such precept or order, specifying the manner in which it was executed, or the cause that prevented its execution.

And to forward to the Sudder Dewanee Adawlut all returns that may be required.

Clause 2*nd.*—The judge shall also forward to the Sudder Dewanee Adawlut such returns of suits filed or decided, or of any other judicial matters, as may be required by the latter authority, whether the said returns relate to business transacted in his own court, or any one subordinate to it.

But in certain cases, after the sanction of Government.

Clause 3*rd.*—But the Sudder Dewanee Adawlut shall not require returns to be made periodically and permanently, without an express order from Government.

Appointment and oaths of senior and junior assistant judges.

Section XXVIII.—*Clause* 1*st.*—The court shall have, if necessary, one or more senior assistant judges, and one or more junior assistant judges; when there are more than one of either class, they shall be denominated "*first*," "*second*," &c., as expressed in their respective orders of appointment: previously to entering upon the discharge of their respective duties, they shall take and subscribe before the judge in open court the oath contained in Appendix (A).

See note to Section IV.

Their duties.

Clause 2*nd.*—They shall try and decide civil suits,

and perform such other official duties as may be prescribed by the zilla judge: their proceedings shall be conducted according to the rules provided for the judge, and they shall use the seal of the court; they shall hold their courts at the Sudder station of the zilla, or elsewhere, if the judge, with the sanction of the Sudder Adawlut, or by order of Government through that court, shall so direct: a senior assistant may, under this clause, be stationed by such order of Government within another zilla if found expedient, may in like manner have his judicial jurisdiction enlarged to the extent stated in Clause 6th, and may be vested with special territorial jurisdiction, and with such of the powers of the zilla judge as may be suitable to the occasion, the requisite instruction being communicated by Government to the Sudder Adawlut, and conveyed to the said assistant through the judge, who will also publish a notification thereof in the language of the district.

under ordinary circumstances and when holding detached and extended charges.

Clause 3rd.—The senior or first senior assistant judge at the Sudder station shall be *ex officio* superintendent of the register of title deeds and general register of the zilla; and in case of his absence, or being otherwise prevented from performing the said duties, they shall devolve upon the assistant next in rank at the Sudder station.

The first senior assistant at the station *ex-officio* superintendent of the register of title deeds and general register: his absence how provided for.

Clause 4th.—In case of the death of the judge, or his being prevented from performing his duties by indisposition or other casualty, the first in rank of the assistant judges shall report the circumstance to the Governor in Council, and, until otherwise instructed, shall confine himself to the peculiar duties of his office, and the exercise of such part of the powers of the judge as may be necessary for filing suits, receiving pleadings or executing process, or for matters of emergency.

Absence of the judge how provided for during a reference to Government.

Clause 5th.—The judge may refer suits not exceeding 5000 rupees in amount for trial to a senior assistant

Suits which a judge may refer to his assistants.

judge, and suits not exceeding 500 rupees in amount to a junior assistant judge.

How the jurisdiction of senior assistants may be extended when necessary.

Clause 6th.—And when the state of judicial business requires such agency, the Governor in Council may, after receiving a report from the judge and the opinion of the Sudder Adawlut, convey to the judge, in the mode described in Clause 2nd, authority to refer suits not exceeding 10,000 rupees in amount, and appeals from decisions passed by a junior assistant judge or commissioner, for trial to the senior assistant judge, or so many of such officers as may be necessary.

I. Clauses 5th and 6th of this Section are modified by Section III. of Regulation I. of 1830, which enacts that original suits, with certain exceptions, are not to be referred to assistant judges for trial. The same Regulation directs that original suits, with the exceptions indicated, be tried by the native judicial functionaries. Section IV. of the same Regulation enacts that an assistant judge at a detached station may decide appeals from the native commissioners (Principal Sudder Ameens, Sudder Ameens and Moonsiffs), when the amount does not exceed 5000 rupees; and that, when the state of business requires it, the same jurisdiction may be conferred by Government on the senior assistant judge at the Sudder station.

II. Regulation XIII. of 1828 authorizes senior assistant judges at detached stations to keep registers.

Law officers.

Section XXIX.—*Clause 1st.*—Each zilla court shall have such establishment as Government may deem necessary of Hindoo and Mohummudan law officers.

Their declaration.

Clause 2nd.—Previously to entering upon the duties of their respective offices, they shall take and subscribe before the judge in open court the solemn declaration contained in Appendix (C).

Their duties to expound the law in the court of the judge.

Clause 3rd.—The duties of the law officer shall be the same as are prescribed in Section XIII., Clause 3rd of this Regulation, so far as concerns the answering of questions on points of law put to them by the judge.

Clause 4*th.*—They shall also return written answers on such points of Hindoo or Mohummudan law as shall be submitted to them in writing by an assistant judge or commissioner.

And in those of the assistant judges and commissioners.

Clause 5*th.*—They shall also, when so directed by the judge, take the examination of persons applying to be admitted to sue as paupers, and shall further perform such duties as the judge may deem connected with the functions of their situations.

Also to take the examination of paupers, &c.

Section XXX.—*Clause* 1*st.*—The court shall have a nazir, with one or more deputies and such other inferior officers, whether writers or peons, as the extent of business may require.

Appointment of a nazir and his inferior officers and establishment.

Clause 2*nd.*—The nazir shall provide the securities, and take and subscribe the solemn declaration directed in Section XIV., Clauses 2nd and 3rd of this Regulation, to be provided and taken by the nazir, to the Sudder Adawlut.

His securities and declaration.

Clause 3*rd.*—It shall be the duty of the nazir, either personally or by means of his inferior officers, to serve summonses, and to fix up notices issuing from the court, to take all securities required by the court, and to execute all written orders or process to him directed, more especially for the apprehension or custody of persons, and for the sequestration, attachment or sale of property, to answer the court's decrees.

The nazir to execute all orders and processes.

Clause 4*th.*—The nazir shall return the summons or order on the day appointed, with an indorsement, specifying the manner in which it has been executed, or the cause that has prevented its execution.

Returning the same duly indorsed.

Clause 5*th.*—The nazir shall be *ex-officio* keeper of the civil gaol of the zilla, and shall be responsible for the safe custody of the prisoners, and for the due observance of the orders of the judge on all points connected with their treatment.

To be the keeper of the civil gaol.

Reg. II. 1827. Chap. II.

Serishtadars and native writers.

SECTION XXXI.—*Clause* 1*st.*—Each court shall have so many serishtadars and writers subordinate to them as the extent of business may require.

Declaration of the serishtadar.

Clause 2*nd.*—Each serishtadar shall take and subscribe in open court the solemn declaration contained in Appendix (C).

The serishtadar to file all plaints and official papers.

Clause 3*rd.*—It shall be the duty of the serishtadar to keep a register of all plaints filed in the court, and to receive and file all pleadings, exhibits and other papers in civil suits.

To record minutes of proceedings, depositions, &c.

Clause 4*th.*—To take down in writing minutes of the proceedings of the court, the depositions and examinations taken in it, and all orders and judgments that may be passed.

To examine accounts and make abstracts thereof.

Clause 5*th.*—The serishtadar further shall examine, in presence of the parties interested, all matters of account referred to him by the court, and prepare such abstracts or statements as the order of reference may require.

To prepare official papers,

Clause 6*th.*—He shall also prepare all summonses, orders, warrants, decrees, proclamations or other writings issuing under the seal and signature of the court, and copies of such papers in court as may be required.

and to frame the record.

Clause 7*th.*—The serishtadar shall keep a record of the proceedings of the court.

Papers in suits when to be given over to the record-keeper by the serishtadar,

Clause 8*th.*—The serishtadar shall, if practicable, deliver over to the charge of the record-keeper the papers in all causes decided in any of the courts of the zilla, within thirty (30) days after a decree has been passed, unless an appeal has been entered.

with an inventory and a receipt for the same passed.

Clause 9*th.*—An inventory shall be delivered along with the papers to the record-keeper, and the serishtadar shall obtain a receipt for them in a book to be kept for that purpose.

The record-keeper and his assistants:

SECTION XXXII.—*Clause* 1*st.*—The court shall have a record-keeper with so many assistants as may

be necessary, who shall have charge of the records of all the civil courts within the zilla.

his declaration.

Clause 2nd.—The record-keeper shall take and subscribe the solemn declaration contained in Appendix (C).

The record-keeper how to arrange papers, and suits.

Clause 3rd.—He shall arrange each paper according to its number in the respective suit.

Clause 4th.—The suits shall be arranged during the current year according to the date on which they were respectively delivered in for record, and shall be so kept until the year is completed, when they shall be arranged for permanent record according to the year in which they commenced respectively, and the number which each bears upon the general file of that year.

Record-keeper's book.

Clause 5th.—The record-keeper shall keep a day-book in the form contained in Appendix (G), in which he shall make an entry of every paper delivered into his office belonging to any suit, noting the number of the suit, the date of filing the plaint, the names of the parties, the court in which it was tried, the date of the decree, the number of the papers in the suit, and the date when it was delivered in for record.

Administerers of oaths.

Section XXXIII.—The court shall have, for the purpose of administering oaths, such establishment as may be deemed requisite of duly qualified persons of different persuasions.

CHAPTER III.

OF THE APPOINTMENT, REMOVAL AND PUNISHMENT OF OFFICERS OF COURTS.

Judges and their assistants, registers and their assistants, how appointed, suspended and removed:

Section XXXIV.—*Clause 1st.*—All judges, assistant judges, registers and assistant registers, shall be appointed by the Governor in Council, by whom only they can be suspended or removed.

Law officers how appointed and removed,

Clause 2*nd.*—All law officers shall be appointed by the Governor in Council, by whom only they can be dismissed.

and suspended.

Clause 3*rd.*—But any law officer may be suspended by the Suddur Adawlut during the pleasure of Government, to whom a report shall forthwith be made, and a law officer on the establishment of a zilla court may also be suspended by the zilla judge, pending a reference to the Sudder Adawlut, which court, if it confirm the suspension, shall report the case to Government as above directed.

All ministerial officers to be appointed, suspended and dismissed by the court.

Clause 4*th.*—All ministerial officers of courts of civil justice shall (subject to the undoubted right of Government to appoint, suspend or dismiss any such officer at its pleasure) be appointed, and may in like manner be suspended or dismissed, by the Sudder Dewanee Adawlut or the zilla judge, under whose immediate control they may respectively officiate; but the nomination, suspension and dismission of a nazir in a zilla court must be reported to the Sudder Adawlut, and in the Sudder Adawlut must be reported to Government.

Certain cases of suspension of law officers to be investigated by the judge of circuit,

Section XXXV.—*Clause* 1*st.*—Whenever a law officer of a zilla court is suspended on any charge not being a criminal offence, the Sudder Dewanee Adawlut shall direct the judge of circuit, when on circuit in the zilla, to call the party accused before him, and, after investigating the facts, to transmit to the court the proceedings, with his opinion on the case.

and decided upon by the Sudder Dewanee Adawlut.

Clause 2*nd.*—The Sudder Adawlut, after considering the proceedings, may restore such officer, or confirm his suspension during the pleasure of Government, to whom a report shall forthwith be made.

Misconduct and neglect of duty in native officers of courts punishable as criminal offences,

Section XXXVI.—*Clause* 1*st.*—Bribery, extortion, and generally all acts of abuse or misapplication of authority, or neglect of duty, committed by any native

officer on the establishment of a court of civil justice, shall be punishable as criminal offences, with fine, ordinary imprisonment without hard labour for a period not exceeding seven (7) years, and public disgrace, and the receipt of a present, directly or indirectly, from any person against whom or in whose behalf such officer may be employed to perform any official duty, shall be considered extortion.

being cognizable by the zilla court and higher tribunals;

Clause 2nd.—The above recited offences shall be cognizable by the criminal court of the zilla and other higher tribunals of criminal judicature; but if the offender should belong to the establishment of the Sudder Adawlut, the case will be tried by that court in its criminal capacity, whose sentence will be executed by the proper subordinate court, on precept issued to that effect.

and other prosecutions are not thereby precluded.

Clause 3d.—Punishments adjudged under this section shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

CHAPTER IV.

OF COURTS OF COMMISSIONERS FOR DECIDING CIVIL SUITS.

Appointment of commissioners for deciding civil suits,

Section XXXVII.—*Clause 1st.*—Native commissioners may be appointed in each zilla for trying and deciding, under the rules prescribed in Regulation IV. of 1827, civil suits filed by the commissioner in conformity with the said rules, or received from the judge, who is hereby empowered to refer the same to the commissioner: provided, that in all suits tried by a commissioner the defendant reside within the limits of the commissioner's jurisdiction, and that neither party be an European or American, and further that the cause of action be not liable to any of the objections specified in Section XXI. of this Regulation.

Reg. II. 1827. Chap. IV.

Clause 2d.—But the commissioner shall take cognizance of no suit to which his near relation or one of his immediate servants or dependents is a party,

provided that they are not interested in the result.

Clause 3rd.—The number of commissioners for each zilla, the stations where their courts are to be held, the extent of their districts, and the amount of the suit coming within their jurisdiction (which shall not fall short of Rs. 500, nor exceed Rs. 5000) shall be regulated from time to time by the judge, with the sanction of the Sudder Dewanee Adawlut, and confirmation of the Governor in Council, or by order of Government communicated to the judge through the Sudder Adawlut.

The number of commissioners and their stations how determined.

Amount of suits cognizable between Rs. 500 and Rs. 5000.

I. Regulation I. of 1830 (2nd Supplement), Section V., Clause 1st, extends the jurisdiction of native commissioners to the cognizance of all original suits, with the exception of those against collectors and other public officers for their official acts, those in which the commissioner has a direct or indirect interest, and those belonging to the revenue courts. Regulation XVIII. of 1831 (3rd Supplement) divides native commissioners into three classes: native judges and principal and junior native commissioners. It specifies the jurisdiction of each grade, and gives limited authority to try appeals to the highest.

II. Act XXIV. of 1836 alters the designations of these officers to "Principal Sudder Ameen," "Sudder Ameen," and "Moonsiff," throws open the appointments to all persons without reference to their birth or descent, and renders all holders of such offices liable to the ordinary criminal jurisdiction in regard to their official acts.

III. The exception of suits in which Europeans or Americans are parties, is annulled by Acts XI. of 1836 and III. of 1839.

The judge to select the commissioner, and the Sudder Dewanee Adawlut to grant the commission;

Section XXXVIII.—*Clause 1st.*—Each commissioner shall be selected by the zilla judge, and proposed to the Sudder Dewanee Adawlut, which court, if it see no objection to the selection, shall furnish the party with a commission under its seal and the signature

of its register, according to the form contained in Appendix (H), except that in the case of a commissioner sitting at the Sudder station such part as confers the power of filing and trying unreferred suits is to be omitted.

which shall specify the jurisdiction conferred,

Clause 2nd.—The commission shall specify *the district over which the jurisdiction of the commissioner extends, and* the highest amount of suit falling within his jurisdiction, and that *Europeans and Americans* are excluded from his jurisdiction, as well as suits in which his relations and servants or dependants are parties: a copy of his commission shall be kept suspended by the commissioner in his court room.

and shall be open to public view;

and may be annulled if necessary: the commissioner also liable, for misconduct and breach of duty, to suspension, dismission, and civil and criminal prosecution.

Clause 3rd.—A commission may be annulled by order of Government to the Sudder Dewance Adawlut, or by the authority of that court, a report being made to Government: the annulling order shall be executed through the medium of the zilla judge, on precept addressed to him by the Sudder Dewanee Adawlut: commissioners may also, for misbehaviour, or neglect of duty, be suspended from official employment and emolument by the zilla judge, but such suspension shall be reported to the Sudder Dewanee Adawlut, and, if the period of suspension exceed two months, the case shall be referred to the Sudder Dewanee Adawlut for its final orders, which shall further decide on the commissioner's eventual restoration or dismission: commissioners shall also be subject to the prosecutions and penalties specified in Section XXXVI. for the offences therein recited.

I. Regulation XVIII. of 1831 (3rd Supplement), Section II., modifies Clause 1st of this section, and enacts that native judges (Principal Sudder Ameens) shall be appointed by the Governor in Council, and that principal native commissioners (Sudder Ameens) shall be selected as well as appointed by the Sudder Dewanee Adawlut. Junior native commissioners (Moonsiffs) continuing to be appointed according to the rules here laid down.

Reg. II. 1827. Chap. IV.

II. So much of Clause II. of this section as requires that commissions shall specify the particular district over which the jurisdiction of commissioners shall extend is rescinded by Regulation II. of 1833 (4th Supplement), Section I., which further provides that commissions shall be made out for the zilla generally, the commissioners' jurisdiction being defined by the zilla judge under sanction of the Sudder Dewanee Adawlut.

The exception of Europeans and Americans in Clause 2nd is rescinded by Act XI. of 1836.

Commissioner's seal.

SECTION XXXIX.—Each commissioner shall use a circular seal one inch in diameter, bearing the following inscription in the language and character of the country in which he holds his court, viz. "*Commissioner for the Zilla of* ——," or "*for the District of* —— *in the Zilla of* ——."

His declaration.

SECTION XL.—Previously to exercising any of the functions of his office, the commissioner shall take and subscribe before the judge in open court the solemn declaration contained in Appendix (I).

The commissioner how to receive and dispose of plaints;

SECTION XLI.—*Clause* 1*st.*—The commissioner shall receive for trial before himself, or for transmission to the judge, under the forms and rules prescribed for those purposes in Regulation IV. of 1827, Section II., such plaints as may be preferred to him.

and when to act as arbitrator.

Clause 2*nd.*—The commissioner shall act as arbitrator when applied to for that purpose, as directed in Regulation VII. of 1827, Section II., Clause 2nd.

His ministerial duties.

Clause 3*rd.*—The commissioner shall execute all such process as is issued and directed to him by the judge for that purpose.

Vide Act No. IX of 1844, authorizing the institution of suits in the courts of principal Sudder Ameens and Sudder Ameens, and enacting rules on the subject.

More commissioners than one may try the same suit.

SECTION XLII.—The judge may, for special reasons, refer a suit to two or more commissioners jointly.

How a suit pending before

SECTION XLIII.—If whilst a suit is pending it shall appear that either of the parties *is an European or*

*

American, or is related to the commissioner, or is his servant or dependant, that the commissioner is personally interested in the suit, that the defendant is a public servant, and that the suit is brought for acts done by him in his public capacity, that the evidence could be more conveniently taken elsewhere, or that other sufficient reason exists why the commissioner should not take cognizance of the suit, he shall stay further proceedings and send up such suit to the judge, or the judge may require him to do so, and in either case the judge may try the suit himself, or refer it to any competent authority for that purpose.

a commissioner may be referred to the judge.

I. The exception of suits in which Europeans or Americans are parties is annulled by acts No. XI. of 1836, and III. of 1839, Q. V.

II. Regulation I. of 1830 (2nd Supplement), Section V., Clause 2nd, enacts, that original suits excepted from the jurisdiction of the native commissioners, as coming under this section, are to be tried by the judge or assistant judge.

SECTION XLIV.—The commissioner shall forward to the zilla judge such returns of suits filed or decided, or of any other judicial matters, whether originating in regular suits or arbitration, as may be required by the latter authority.

Return to be forwarded by the commissioner to the judge.

CHAPTER V.

OF COURTS FOR THE RECOVERY OF DEBTS DUE BY BRITISH SUBJECTS.

SECTION XLV.—*Clause 1st.*—By act 53 Geo. III. c. 155, s. 106, authority is conferred on magistrates, each within his respective jurisdiction, and without the limits of the jurisdiction of the Court of Requests at the Presidency, to take cognizance of any debt not exceeding fifty rupees alleged to be due by a British subject who may be resident in, or have contracted the said debt within the said jurisdiction to a native resident in India, and without the jurisdiction of the said Court

Jurisdiction of magistrates in cases of debt stated to be due by British subjects.

of Requests; but by act 4 Geo. IV. c. 81, s. 57, officers and soldiers are excepted from the operation of this rule.

The magistrate's decision final and the amount decreed leviable by his authority.

Clause 2*nd.*—A decision made under the preceding clause is declared by the said enactment to be final, and the amount leviable by warrant under the hand of the magistrate on any property of the debtor which may be found in the above jurisdiction; and if no such property be found, then the debtor may be committed (by warrant under the hand of the magistrate) to confinement, for a period not exceeding two (2) months, in any fit place within the said jurisdiction, or, if there be no such place, then in the jail at the Presidency.

His proceedings to be summary.

Clause 3*rd.*—And also the proceedings in such cases are enacted to be conducted in a summary manner.

Jurisdiction of the constituted civil courts in cases of debt stated to be due by British subjects.

SECTION XLVI.—*Clause* 1*st.*—*It is enacted in sect.* 107 *of the above act and chapter, that all courts which have or hereafter may have cognizance of civil suits on matters of revenue, either originally or by way of appeals, shall have jurisdiction over British subjects of her Majesty, whether in the service of the honourable company or not, (except in case of demands not exceeding* 400 *rupees made against British subjects, being officers, or subject to military authority by act* 4 *Geo. IV. c.* 81, *s.* 57,) *in all matters or proceedings of a civil nature, in the same manner as they have over natives of India by Regulation, under the following restrictions.*

Particular grounds of the jurisdiction; residence of the defendant, his carrying on trade, or possessing immoveable property within the zilla.

Clause 2*nd.*—*Such court shall not take cognizance, unless the British subject reside, or carry on trade or other business, or be in the occupation or possession of immoveable property within the said court's jurisdiction, and at the distance of more than ten miles from the Presidency.*

Explanation of the ground of residence.

Clause 3*rd.*—*And to render the party amenable on the ground of residence, it is necessary that he should be resident at the time of commencing the action or*

proceeding, or else that the cause of action should have arisen within two years from the institution of the suit, and within six months from the residence ceasing.

Specific provision relative to the ground of carrying on trade;

Clause 4th.—And to render the party amenable on the ground of carrying on trade or business, it is necessary that the cause of suit should relate to the same, and should have arisen within the jurisdiction.

and to the possession of immoveable property.

Clause 5th.—And to render the party amenable on the ground of occupying or possessing immoveable property, it is necessary that the action or proceeding relate to such occupation or possession, or to rent or other demands arising from it.

The defendant, if the suit be appealable to Sudder Adawlut, may appeal to his majesty's supreme court of judicature.

Clause 6th.—And if a suit instituted as above said be appealable by usual course of law to the supreme civil court for the territories subject to the Bombay Presidency (under whatever denomination) the said British subject shall be at liberty to appeal, instead of such court, to the Supreme Court at the Presidency, in which court he may also be originally sued, instead of the courts stated in the first clause of this section.

The provisions of this chapter are generally superseded. Act 53 Geo. III. c. 155, s. 106, is repealed as regards debts due from officers and soldiers, British subjects, by 4 Geo. IV. c. 81, s. 57.—Act 3 & 4 Vict. c. 37, s. 54, prescribes mode of procedure for recovery of debts under 400 rupees, from persons subject to the East India Mutiny Acts, serving beyond the jurisdiction of the Presidency Court of Requests. Sect. 107 of Act 53 Geo. III. c. 155, is repealed as regards India from 1st June, 1836, by Act XI. of 1836. Vide Acts VIII. and XXIV. of 1836 for civil proceedings against British subjects in general.

CHAPTER VI.

OF PLEADERS.

Authorized pleaders to hold sunnuds,

SECTION XLVII.—*Clause 1st.*—Natives or others may be authorized to practise in each court as pleaders (vakeels) in behalf of parties in any judicial proceed-

ing, being qualified by sunnud, according to the Rules in the succeeding Section.

and to act in all suits where the parties or their recognized agents do not appear,

Clause 2nd.—No person shall be allowed to act in any such proceeding except such pleaders, or the parties themselves, or their recognized agents, as provided in Regulation III. of 1827, Section III. Clause 2nd.

except in the court of a district commissioner.

Clause 3rd.—But in the court of a commissioner not at the Sudder station, any person may act in behalf of a party, on a vakalutnama being filed.

A pleader for Government may hold a general vakalutnama.

Clause 4th.—In matters to which Government is a party, it shall be lawful for a pleader to act on a general vakalutnama, to be issued by the officer under whose control the said matters are conducted, provided a duplicate be deposited in the zilla court of the district in which he practises.

Clause 3rd of this Section is repealed by Act I. of 1846, which further modifies the provisions of this Chapter.

The number of pleaders to be unlimited.

Section XLVIII.—*Clause 1st.*—The number of pleaders shall not be limited; but any person duly qualified, and of unexceptionable character, shall be entitled to a sunnud of appointment.

Their qualifications how ascertained; their appointment how made.

Clause 2nd.—The qualifications of candidates for the station of pleader shall be determined by certificate from a committee consisting of two or more law officers of different persuasions on the establishment of either the court of Sudder Dewanee Adawlut, or the zilla court, where the candidate offers himself for practice; the selection of the members of the committee shall be made by the Sudder Dewanee Adawlut, and a judge of that court shall preside in the committee, and shall have the casting vote, in case of the members of the committee being equally divided, and a negative vote in all cases.

And their sunnuds issued.

Clause 3rd.—Each pleader, on being found qualified, shall be furnished with a sunnud, under the seal of the court of Sudder Dewanee Adawlut, in the form of Appendix (J).

I. Regulation XXXI. of 1827, Section II., Clause 3rd, enacted, that pleaders authorizedly practising in the several courts up to the 1st September, 1827, were to be held qualified to act under the new Regulations without further appointment. Reg. II. 1827. Chap. VI.

II. Act No. 1. of 1846, Section IV., enacts, that the office of pleader shall be open to all persons, of whatever nation or religion, who are duly qualified in regard to character and acquirements. Section V. of the same Act enacts, that barristers of her Majesty's courts in India shall be entitled as such to plead in any of the Sudder courts, subject, however, to all the rules in force in regard to pleaders.

III. Clause 2nd of this Section is repealed by Act No. I. of 1846, Section III. Section IV. of the same Act provides, that no person shall be admitted to plead, unless he have obtained a certificate in such manner as shall be directed by the Sudder court, that he is of good character, and duly qualified.

SECTION XLIX.—The pleaders in the zilla courts shall practise each in such particular court or courts as may be assigned to them by the zilla judge, or indiscriminately in all the courts of the respective zilla, if it be not found necessary to appropriate the pleaders to particular courts. The practice of pleaders how regulated. *

SECTION L.—*Clause 1st.*—A pleader shall not be allowed to act in any suit or proceeding until he has obtained from the party, and filed in court, a power of attorney (vakalutnama), according to the form contained in Appendix (K), appointing him pleader in the cause. On appearing in a suit, the pleader must file a vakalutnama. *

Clause 2nd.—If a party engage a pleader to act in his behalf, he shall present him with eight annas as a retaining fee, for which the pleader shall grant him a written acknowledgment, specifying the date of payment; and, if the said retaining fee be not offered, the pleader shall demand it, and abstain from all proceeding until it be delivered. Retaining fee to be paid by the party engaging a pleader.

Clause 3rd.—If, after receiving the retaining fee, a pleader shall engage with or act for the other party, or refuse or omit to act on behalf of his client, he may After receipt of which, the pleader must perform his engagement.

Reg. II. 1827. Chap. VI.

Penalty in case of misconduct.

be punished by a fine not exceeding 500 rupees; or, if the matter in litigation be less than 250 rupees, then not exceeding twice the amount of the sum in dispute between the parties; or, if the circumstances are of an aggravated nature, may be suspended or dismissed under the Rules contained in Section LVI. of this Regulation.

To be enforced by the zilla judge, or any superior court in which the suit is pending.

Clause 4th.—The fine may be inflicted by the court in which the suit relative to which the failure of duty occurred may be pending, unless such court be subordinate to that of the zilla judge, in which case it shall be imposed by his immediate authority.

The pleader represents his client in all matters of the suit.

Section LI.—*Clause 1st.*—A pleader, when his vakalutnama has been filed, shall be held to represent his client in all matters connected with the prosecution or defence of the suit or proceeding in court; and acts done by and notices served upon the pleader shall be equally valid as if done by or served upon the party, unless they be to procure the personal attendance of the said party, or fulfilment of a decree.

Must pass receipts to his client for papers which he must return when required. Penalty in case of misconduct.

Clause 2nd.—It shall be incumbent on a pleader, at the time of receiving any accounts, writings or documents from his client, to give a written receipt for them, and to restore them when required, under penalty of a fine not exceeding 100 rupees, to be levied under the Rules contained in the last Clause of the preceding Section; or, if the circumstances be of an aggravated nature, of suspension or dismission, according to Section LVI. of this Regulation.

Established fees of pleaders in original suits,

Section LII.—*Clause 1st.*—Each pleader employed in prosecuting or defending an original suit, shall be entitled to a per-centage on the amount sued for, according to the rates specified in Appendix (L), as a remuneration for his trouble in acting in behalf of his client, until the decree in the suit is passed, and thereafter until such decree is fulfilled.

Clause 2nd.—The remuneration to a pleader employed in prosecuting or defending an appeal, regular or special, shall be the same as is above prescribed in the case of an original suit. and in appeals.

Clause 3rd.—The above Rules shall not prevent an express agreement being entered into between pleader and client for either a larger or smaller sum than the established fee. Unless otherwise settled by private agreement.

Clause 4th.—But if a larger sum than was agreed for between a pleader and client is awarded in costs against the other party, the pleader, notwithstanding his agreement with his own client, shall be entitled to the excess when recovered. But if more is decreed, by way of reimbursement, than was agreed to be paid to the pleader, the pleader shall have the excess.

Clause 5th.—The party retaining a pleader shall be responsible to him for his fee, which shall be recoverable from his client in preference to all other claims, as soon as a decree has been passed in the suit, whether an appeal has been entered or not; or, if the pleader prefer, it shall be recovered with other costs, in course of executing the decree, and a receipt book shall be kept in each court for the signature of pleaders on receipt of their fees, in which shall be entered the amount received and number of the suit. Pleader's fee how recovered. and its receipt recorded.

I. Act I. of 1846, Section VI. enacts, that this Section shall cease to be enforced, except for the purpose specified in Section VII. of the same Act, which provides, that parties employing authorized pleaders shall be at liberty to settle with them by private agreement; but that, when costs are awarded to a party in a regular suit, decided on the merits against another party, the amount to be paid on account of fees to pleaders shall be calculated according to the Rules laid down in this Section; and that, when costs are awarded in other cases, the fees are to be one-fourth of what they would have been in a regular suit decided on the merits.

II. Agreements between parties and their pleaders, regarding professional remuneration, can be enforced by a regular suit only. Vide Act No. I. of 1846, Section VIII.

SECTION LIII.—*Clause 1st.*—If an acknowledgment When a demand is admitted, or

of the demand is entered, or a suit or appeal withdrawn without being brought to trial, the pleader shall be entitled to only half the established fee.

withdrawn, * half fees only shall be paid.

Clause 2nd.—Either party may engage two or more pleaders to conduct his suit or defence; but the party found liable in costs will not be answerable for more than the established fee of one pleader on behalf of the other party.

More pleaders than one may be engaged, but without prejudice to the opposite party.

Clause 3rd.—It shall be competent to a party at any time to withdraw the authority vested in a pleader to act in his behalf, on giving the court notice in writing to that effect; but it shall not be competent to a pleader to withdraw from acting in behalf of his client without his consent, or the special permission of the court.

The client may cancel his vakalutnama; but a pleader cannot abandon his client without the client's consent, or the order of the court.

Clause 4th.—In case of a pleader being removed from the conduct of a suit by virtue of the preceding Clause, the court, if applied to, shall summarily determine whether any or what proportion of the fee is to be paid to him, and any amount so fixed shall be recoverable immediately by the process used for executing decrees.

A pleader relinquishing his cause by permission how to be remunerated.

Section LIV.—*Clause 1st.*—If a pleader is unable to attend the court in consequence of indisposition or other necessary cause, he shall notify the same to the court in writing, in which case proceeding in the suit shall be stayed for such time as the court deems reasonable, to enable the party to transfer, by indorsement or otherwise, his power of attorney (either temporarily or until the suit is determined) to another pleader; and any pleader absenting himself without written notice as above prescribed, may be punished by fine not exceeding rupees 100, to be adjudged by the court in which the failure of duty occurred, and levied as the amount of a decree by the same, *unless such court be subordinate to the zilla judge, when the fine shall be*

Pleader's unavoidable absence to be reported to the court, which will direct the requisite measures.

Punishing negligence.

subject to the revision of the zilla judge, and shall be enforced only by his authority.

In the event of the pleader's permanent absence or death, the court determines the amount of fees due to such pleader or his heirs.

Clause 2nd.—In case of the resignation, dismissal, or death of a pleader, proceedings in the suit shall in like manner be stayed, and the court, if applied to, will determine the proportion of the fee, if any, to be paid to such pleader or his heirs, which shall be recoverable immediately by the process used for executing decrees.

I. Act No. I. of 1846, Sections X. and XII. enacts, that whenever a pleader has become liable to a fine in the court of a P. S. Ameen, S. Ameen, or Moonsiff, it shall be competent to those authorities to impose such fine, their order to that effect being appealable to the zilla judge, whose decision thereon shall be final.

II. Section XI. of the same Act enacts, that the Rules applicable to pleaders in the zilla courts shall be applicable also to those in the Moonsiff's courts, as far as they can be applied.

Fees in extraordinary matters before the court to be determined, if disputed, by the court.

Section LV.—*When a pleader is employed in any matter not being an ordinary suit or appeal, he shall be remunerated according to his labour in the case, and the extent of such remuneration, if disputed, shall be summarily determined by the court, and levied as stated in the last clause of the preceding section.*

This Section is repealed by Act I. of 1846.

Pleaders how liable to suspension or dismission, without prejudice to private actions against them for damages.

Section LVI.—A pleader accused of a criminal offence, or guilty of misbehaviour or neglect of duty, shall be liable to be suspended or dismissed under the Rules regarding commissioners, contained in the 3rd Clause of Section XXXVIII. of this Regulation, but nothing herein contained shall prevent a party from instituting an action for damages against his pleader, when he may consider himself injured by his acts or omissions.

APPENDIX (A).

(See Sections IV., XIX., XX, Clause 2nd, and XXVIII., Clause 1st, and the Notes to these Sections.)

Form of Oath to be taken by a Judge of the Sudder Dewanee Adawlut, and a Judge and Assistant Judge of a Zilla Court.

I, A. B., appointed (chief, second, third, &c. judge of the Sudder Dewanee Adawlut, judge, senior, first, &c., senior, junior, first, &c., junior assistant judge of the zilla of ——, *as the case may be*), do solemnly swear, that I will perform the duties of my office, and administer justice with impartiality and integrity, and conformably to the law :† that I will to the best of my ability preserve the public peace; that I will not receive, directly or indirectly, any present whatever on account of any suit or matter to be instituted, or which may be depending, or may have been determined in this or any other court; nor will I knowingly permit any person under my authority or in my service to do so: That I will not be concerned, directly or indirectly, in any commercial transaction whatever, nor derive any emolument or advantage from my station, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. *Signature.*

† To be omitted in the Oath taken by a judge of the Sudder Adawlut.

APPENDIX (B).

(See Section XI., Clause 1st, and the Note to this Section.)

Form of Oath to be taken by the Register and Assistant Register to the Sudder Dewanee Adawlut.

I, A. B., appointed register (or assistant register) of the Sudder Dewanee Adawlut, do solemnly swear, that I will truly and faithfully perform the duties of

my office according to the best of my knowledge and ability: That I will not receive, directly or indirectly, any present whatever on account of any suit or matter to be instituted, or which may be depending, or may have been determined in this or any other court, nor knowingly permit any person under my authority, or in my service, to do so: That I will not be concerned, directly or indirectly, in any commercial transaction whatever, nor derive any emolument or advantage from my station, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. *Signature.*

APPENDIX (C).

(See Section XII., Clause 4th; XIII., Clause 2nd; XIV., Clause 3rd; XXIX., Clause 2nd; XXXI., Clause 2nd; and XXXII., Clause 2nd.)

Form of solemn Declaration to be taken by a Law-officer, Nazir, Serishtadar, Assistant Serishtadar, and Record-keeper.

I, A. B., appointed ——, in the court of ——, do solemnly declare, that I will truly and faithfully perform the duties of my office according to the best of my knowledge and ability: That I will not accept, directly or indirectly, or knowingly permit any other person to receive for me, any present in money or effects of any kind, or the promise of any such on account of any suit or matter to be instituted or which may be depending, or may have been determined in this or any other court; and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive.

So help me God.

Date. *Signature.*

Reg. II. 1827.
App. (D).

APPENDIX (D).

(See Section XIV., Clause 2nd.)

Form of Bond to be entered into by the Nazir's securities.

Whereas —— has been appointed nazir to the court of ——; and whereas, before exercising the duties of the said office, it is necessary that he should find sufficient security for the faithful discharge of the same: Therefore we —— and —— do hereby bind ourselves, our heirs and executors, to the sirkar, in the sum of rupees —— each, that he the said —— shall well and diligently discharge all the duties of the nazir of the court, and that he shall faithfully account for all property, moveable or immoveable, that may come into his possession or custody in that capacity; and in case of his failure in any of these respects, we do hereby bind ourselves jointly and severally, but each to the amount aforesaid only, to make good to the parties interested, or to the sirkar on their account, all loss or damage sustained by the suitors or others in consequence of the act, misconduct, or neglect of the said ——, or of any deputies or others of his officers acting under his authority, as the same may be ascertained and awarded by order of the said court. As witness our hands at ——, this —— day of ——, 18—.

Witnesses.
E. F.
G. H.

1) A. B.
C. D.

APPENDIX (E).

(See Section XVI., Clause 2nd.)

List and Territorial Description of the Zillas established under the Presidency of Bombay.

SURAT ZILLA.

The Surat zilla now includes the Surat and Broach collectorates.

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Sections I. and II. Regulation I. of 1800.	The city and port of Surat and town of Randier and their dependencies	13th May, 1800.
Section II. Regulation I. of 1802.	The purgunna of Chourasee	7th Jan. 1802.
	The purgunna of Chiklee	14th June, 1802.
Cessions by the Peishwa under the treaty of Basseen. Regulation II. of 1805.	The eight (8) purgunnas of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee	31st Dec. 1802.
	The kusba of Bardolee	
	The three (3) villages of Kuttergaum, Koomarea and Phoolpara..	
Section II. Regulation I. of 1817.	The purgunna of Currode	5th June, 1816.
Order of Council dated 17th November, 1817. Sections VI., VII. and XI., Regulation III. of 1819.	The purgunna of Bhugwara	6th June, 1817.
	The purgunna of Turkeysir	
	The kusba of Mota	
	The village of Mugdula, with some adjoining lands of the village of Peeplod.....	
	The purgunna of Oolpar	28th Nov. 1817.

The state of Mandvee, annexed to the Bombay Presidency by Act X. of 1848, is added to the Surat Zilla by a proclamation of Government, dated 31st May, 1848.

Certain individuals in this state are exempted from the operation of the Regulations by a Proclamation dated 12th September, 1848.

BROACH ZILLA.

Now included in Surat.

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Cessions by the Peshwa under the treaty of Basseen. Regulation II. of 1805.	The purgunnas of Hansot and Oklasur.....	31st Dec. 1802.
Sections I. and II. Regulation II. of 1805, and Section II. Regulation III. of 1814.	The town and purgunna of Broach..	29th Aug. 1803.
Section II. Regulation VI. of 1807, and Section II. Regulation III. of 1819.	The three (3) purgunnas of Jumbooseer, Ahmod and Dejbara....	5th June, 1817.

EASTERN ZILLA NORTH OF THE MYHEE (KAIRA).

Now included in Ahmedabad.

Cession by the Peishwa under the treaty of Basseen, Regulation II. of 1805.	The tuppa of Naupar	31st Dec. 1802.
Cessions by the Guikawar, Regulation II. of 1805, and Regulation III. of 1819.	The enam town of Kaira, and its dependencies..... The three (3) purgunnas of Neriad, Mahtur and Moondha..... Sixteen villages of Dholka, east of the Saburmutty river	5th June, 1803.
Section II. Regulation I. of 1817.	The purgunna of Kupurwunj .... The tuppa of Bahlej ..... The four (4) villages of Sundana, Antrolee, Wasna and Kurej	15th June, 1816.

EASTERN ZILLA NORTH &c.—(*continued*). Reg. II. 1827. App. (E).

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Section III. Regulation III. of 1819, and Section II. Regulation IV. of 1820.	The five (5) purgunnas of Mahmoodabad, Antrolee, Alena (except the two villages of Nikol and Sanoda), Tasra and Duskuroee, to the east of the Kharee river	6th June, 1817.
	The Peishwa's share of the Pitlaud purgunna	
	The town of Oomrut.	

WESTERN ZILLA, NORTH OF THE MYHEE (AHMEDABAD).

The Ahmedabad zilla now includes the Ahmedabad and Kaira collectorates.

Cession by the Peishwa under the treaty of Basseen. Sections I. and V. Regulation II. of 1805, and Section III. Regulation III. of 1819.	The three (3) purgunnas of Dundooka, Ranpoor and Gogo	30th Dec. 1802.
Cessions by the Guikawar. Sections I. and V. Regulation II. of 1805, and Section III. Regulation III. of 1819.	The purgunna of Dholka, except (16) villages which are east of the Saburmutty river	5th June, 1803.
Section II. Regulation VII. of 1819.	The city of Ahmedabad	6th June, 1817.
	The Duskuroee purgunna to the west of the Kharee river	
	The purgunna of Veerumgaum	
	The two (2) villages of Nikol and Sanoda in the Alena purgunna ..	
	The purgunna of Purantej	
	The peishwa's share of the districts of Byar, Hursole and Morassa	

ZILLA OF THE NORTHERN KONKAN.

The Konkan or Tannah zilla now includes the North and South Konkans.

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Sections I. and II. Regulation III. of 1799, and Section II. Regulation III. of 1814.	The Islands of Salsette and Caranjah and their dependencies	1st Dec. 1774.
Section II. Regulation VI. of 1817.	The districts of Bellapoor, Autgaum and Kalian, and all the other territories of the Peishwa Bajee Row extending north of those districts as far as the Damaun river, and lying between the Ghauts and the sea	5th June, 1817.
Sections IX. and XI. Regulation III. of 1819.	The territories of the Peishwa Bajee Row extending south of the districts of Bellapoor, Autgaum and Kalian, as far as the Apta river, and lying between the Ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor in the Kurnala talooka	2nd Sept. 1818.
Treaty with the Colaba state.	So much of the Voorwuleet turuf, north of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages and twenty-five (25) Khars *Villages.* — Woolvie, Turghur, Dapoolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, Gowan ..... *Khars.* — Nandaee Neemba, Khar Washunee, Hurrichundur Peemplee, Kaljee Gobur, Boorey Boozoorg, Bhand Khar, Khat Khar, Waltee, Mhalaee, Sonkhar, Bhangaree-boozoorg, Rel Khar, Pond	6th June, 1824.

ZILLA OF THE NORTHERN KONKAN—(*continued*). Reg. II. 1827. App. (E).

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Treaty with the Colaba state.	Khar, Shemptee, Waltee, Danwacha-kota, Chicklee-bhom, Motee Khar, Ranjun Khar, Hurischunder-kota, Gowendee, Boree-khoord, Boree-cha-kota, Kopur Pota-cha-moonh.	6th June, 1824.
	So much of the Toongartun Muhal, north of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat.	
	The four (4) villages, Tulowrey, Chandajee, Goorvey and Nurol, in the Vuredy turuf.	
	The two (2) villages, Dewroog and Khurwarboozoorg, in the Soonalee turuf	
	The village Amburjey, in the Sherey turuf	
	The village Ambolee, in the Burey turuf	
	The three (3) villages, Nitaley, Nourey and Khyruney in the Tulozeh turuf	
	The three (3) villages, Kampolee, Dewkur and Bhanwuj in the Bortee turuf	

Certain villages from this zilla were given up to Angria in exchange for others annexed to it by Regulation II. of 1834.

ZILLA OF THE SOUTHERN KONKAN.

Now part of the Konkan or Tannah zilla.

Section I. Regulation I. of 1811.	Fort Victoria and its nine (9) dependent villages	12th Oct. 1756.
Section I. Regulation XI. 1814.	The fort and island of Sindoodoorg, in Malwan, and the forts of Puddunghur, Rajkot and Serjeekot, with the villages and lands dependent on the said forts	1st Oct. 1812.
Treaty with the Waree state.	The fort of Vingorla, with six hundred (600) yards around	3rd Oct. 1812.

Reg. II. 1827.
App. (E). ZILLA OF THE SOUTHERN KONKAN—(*continued*).

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Cessions by the Waree state.	The rest of the valley of Vingorla ..	5th May, 1813.
	So much of Wurar and Muloondee as belonged at the time to the state of Waree	29th Jan. 1814.
Sections IX. and XI. Regulation III. of 1819.	The territories of the Peishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karlee or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions: 1st.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zilla ..... 2nd.—The three (3) following villages in Chawool; viz. Waolee, Karley and Comprolee.. 3rd.—The five (5) following Warees in Chawool and Thul, viz. Pakaree Rumeshwur, Pakaree Bolawee, Ramajee Mahadeo, Vessajee Keshow and Wursolee ..... 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda	2d Sept. 1818.
Regulation III. of 1820.	The nine (9) following sea coast villages in the turufs of Ajgaum and Paut, viz.: *Of Ajgaum.*—Raree, Arowlee, Seerodee ..... *Of Paut.*—Dabolee, Kanolee, Keyloos, Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen	17th Feb. 1819.

ZILLA OF THE SOUTHERN KONKAN—(*continued*).

Ground of the Jurisdiction.	Territory.	Date when the Jurisdiction commenced.
Treaty with the Colaba state.	So much of the Toongartun turf situated south of the Apta river as belonged to the state of Colaba, with the exception of the village of Khuraree Boozoorg	6th June, 1824.
	The two (2) villages Wureree and Shetolee, and the four (4) Khars, Sonkhar, Dhadur Khar, Khar Dubaba and Dolvie Khar, in the Humrapoor turuf	

THE PRESIDENCY.

Royal grant. See also Section II. Regulation III. of 1799, Regulation III., 1815, and Regulation III., IV. and VII., of 1817.	The revenue jurisdiction of the Island of Bombay and its adjacent dependencies administered at present by the revenue judge and the court of petty sessions	A. D. 1668.

APPENDIX (F).

(See Section XXI., Clause 2nd, and Note thereto.)

Extract from the Treaty between the British Government and the Nawaub of Surat, dated the 13th May, 1800.

Art. 7th. In complaints brought before the court of justice, in which it shall appear, either by the application of the nabob or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are relations or servants of the nabob, such parties shall in the first instance be referred for justice to the nabob, or to any person he may appoint to dispense it: any complaint against the relations or

Reg. II. 1827. App. (F).

immediate servants of the nabob, by persons of a different description, shall in the first instance be made to the chief civil servant at Surat, who shall refer it to the nabob, who has engaged to order an immediate investigation to be made, or, in case the parties should desire it, to order the dispute to be referred to a proper arbitration, the nabob engaging to bring it to a direct issue, or to carry the sentence or award, if unfavourable to his relation or servant, into immediate execution.

APPENDIX (G).

(See Section XXXII., Clause 5th.)

Form of Day Book for Civil Records kept in a Zilla Court.

Date of Delivery for Record.	Number of Suit.	Date when filed.	Names of the Parties.	By whom tried.	Date of Decree.	Number of Papers received.
1821. 5th April.	753 of 1821.	2nd February, 1821.	A. *versus* B.	Commissioner of ——.	20th March, 1821.	No. 1 to 24 inclusive, as per list in decree.
6th April.	613 of 1821.	3rd March, 1821.	C. *versus* D.	Judge ——.	29th March, 1821.	No. 1 to 37 inclusive, as per separate list.

APPENDIX (H).

(See Section XXXVIII., Clause 1st, and Note thereto.)

Form of Commission to be granted to a Commissioner for deciding Suits.

(Seal of the Sudder Dewanee Adawlut.)

The judges of the Sudder Dewanee Adawlut, by virtue of the powers vested in them by Regulation II. of 1827, do hereby appoint you —— commissioner in the —— of ——, with the powers of delegate for receiving, trying and deciding, without any orders from the court, such suits between persons not being

Europeans or Americans, or in which your own relations, servants or dependants *are parties*, as may be preferred to you, either for immoveable or moveable property, and with the powers of referee for trying and deciding such suits as the judge may refer to you when the amount or value of the claim shall not exceed rupees ——. Reg. II. 1827. App. (H).

And with powers to act as sole arbitrator, without any previous application to the court, in disputes in civil matters submitted to you, in conformity with the rules for arbitrations contained in Regulation VII. of 1827.

You are to hold your court at ——, and to hear and decide such suits or disputes as may be brought before you, and to exercise the authority vested in you according to such Regulations as have been or may be published by the Governor in Council.

By order of the Sudder Dewanee Adawlut.

Date. (Signed) By the Register.

The above form is varied in practice to meet the provisions of subsequent enactments.

APPENDIX (I).

(See Section XL.)

Form of solemn Declaration to be taken by a Commissioner.

I, A. B., appointed commissioner for trying and determining civil suits, solemnly declare that I will impartially determine the suits that may come before me according to the best of my abilities and judgment, and that I will not directly or indirectly receive, or knowingly permit any other person to receive for me, any money, effects or property, or the promise of any such on account of any suit that may come before me, excepting such as the Regulations of Government do

Reg. II. 1827. App. (I).

or may authorize me to receive, and that I will in all respects truly and faithfully execute the trust reposed in me.

Date. (Signed) By the Commissioner.

APPENDIX (J).

(See Section XLVIII., Clause 3rd.)

Form of Sunnud granted to a Pleader.

(Seal of the Sudder Dewanee Adawlut.)

To A. B., inhabitant of ——.

In conformity with the provisions of Regulation II. of 1827, you A. B. are hereby appointed to the office of pleader in the Court of ——; you will not be liable to be removed from your situation during your good behaviour, while you discharge your duty with zeal and integrity, under the rules contained in the Regulations which now are or hereafter may be in force.

By order of the Sudder Dewanee Adawlut.

(Signed) By the Register.

APPENDIX (K).

(See Section L., Clause 1st.)

Form of Power of Attorney to enable a Pleader to act in a Suit.

In the Court of ——.

Suit for rupees ——.

—— plaintiff, against —— defendant.

I, —— plaintiff [*or* "defendant," *as the case may be*] do hereby authorize —— to appear and act as pleader for me in the above suit.

Witness my hand this —— day of ——, 18—.

(Signed) *or* (the mark of) the Plaintiff,

or

Defendant.

APPENDIX (L).

(See Section LII., Clause 1st, and Notes thereto).

Statement showing the Fees to which Pleaders are entitled for acting throughout ordinary Suits when there is no specific Agreement.

The pleader's fee is—

In suits for not more than rupees 2,000, 3 per cent.

In suits for from rupees 2,000 to 10,000 inclusive, on rupees 2,000 as above, and on the remainder 2 per cent.

In suits for from rupees 10,000 to 20,000 inclusive, on rupees 10,000 as above, and on the remainder 1 per cent.

In suits for more than rupees 20,000, on that sum as above, and on the remainder half per cent.

REGULATION VII., A. D. 1828.

SUPPLEMENT I. TO REGULATION II. OF 1827.

A Regulation instituting a Court of Appeal for the Zillas comprised in the Province of Guzerat, subordinate to the Supreme Civil Jurisdiction of the Sudder Dewanee Adawlut:—passed by the Honourable the Governor in Council of Bombay on the 20th of August, 1828, *corresponding with the* 10*th Shravun Sood Sumbut or Vikramajeet Era,* 1884, *Salbahan,* 1750, *Fusly,* 1238, *Soorsun,* 1229, *and* 18*th Suffer,* 1244, *of the Hijree.*

This Regulation was passed on the removal of the Sudder Adawlut from Surat to Bombay, and came into effect on the 1st November, 1828. It is altogether rescinded by Regulation I. of 1830, Section I., Clause 1st, (Q. V.,) and is not therefore printed here.

Reg. I. 1830. Sup. II. to Reg. II. 1827.

REGULATION I., A.D. 1830.

SUPPLEMENT II. TO REGULATION II. OF 1827.

A Regulation rescinding Regulation VII. of 1828, *and extending the jurisdiction of Native Commissioners to the cognizance of all original Suits of whatever Amount:—passed by the Honourable the Governor in Council of Bombay on the 27th day of January,* 1830, *corresponding with the* 3rd *Maha Sood Sumbut or Vikramajeet Era,* 1886, *Salbahan,* 1751, *Fusly,* 1239, *Soorsun,* 1230, *and* 2nd *of Shaban,* 1245, *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to rescind Regulation VII. of 1828, and to extend the jurisdiction of the native commissioners to the cognizance of all original suits, whatever may be the amount at issue, with certain exceptions, the following Rules have been enacted, to have effect from the date of promulgation:

Rescission of Regulation VII. of 1828.

SECTION I.—*Clause* 1*st.*—Regulation VII. of 1828 is hereby rescinded.

Records of the Court of Appeal to be transferred to the Sudder Dewanee Adawlut, with all pending appeals.

Clause 2*nd.*—All the records of the Guzerat Court of Appeal are to be made over to the Sudder Dewanee Adawlut, together with all appeals and other business within the jurisdiction of the Court of Appeal, which may be undecided and unfinished on the commencement of the operation of this Regulation.

And they shall be taken up and decided as appeals and business before the Court of Sudder Dewanee Adawlut.

Clause 3*rd.*—All such appeals and other business so made over shall be taken up and decided by the Sudder Dewanee Adawlut, as appeals and business before that court.

A member of council to be chief judge of the Sudder Adawlut.

SECTION II.—A member of council shall be chief judge of the Sudder Dewanee and Sudder Foujdaree Adawlut; but, in order that no unnecessary addition may be made to the extensive duties of his higher office, his functions as chief judge shall be limited to

his officiating as such when a competent court for the decision of the suit or other matter under consideration cannot otherwise be had.

Reg. I. 1830. Sup. II. to Reg. II. 1827.

Original suits not to be referred to assistant judges, with certain exceptions.

SECTION III.—In modification of the Rules contained in Clauses 5 and 6 of Section XXVIII., of Regulation II. of 1827, or any other Regulation now in force, empowering judges to refer suits to their assistants, it is hereby enacted, that original suits, excepting in cases hereafter provided, shall not be referred by the judge to his assistants for trial.

An assistant judge at a detached station to decide appeals to 5000 rupees.

SECTION IV.—*Clause 1st.*—The jurisdiction of senior assistant judge, stationed elsewhere than at the Sudder station, or in another zilla, as provided in the Rules contained in Clause 2nd, Section XXVIII. of Regulation II. 1827, shall extend to the cognizance of appeals from the decisions of native commissioners, when the amount does not exceed (5000) five thousand rupees.

The same jurisdiction may be granted by Government to an assistant judge at the Sudder station.

Clause 2nd.—And when the state of judicial business requires it, the same jurisdiction to try such appeals may be extended to the senior assistant at the Sudder station, by order of the Honourable the Governor in Council, communicated through the Sudder Dewanee Adawlut.

The jurisdiction of native commissioners extended to the cognizance of all original suits, with certain exceptions.

SECTION V.—*Clause 1st.*—In extension of the jurisdiction by Clause 3rd, Section XXXVII., Regulation II. of 1827, in native commissioners, it is hereby enacted, that the jurisdiction of native commissioners shall extend to the decision of all original suits, of whatever amount, that may be either filed in their courts, or may be referred to them by the judge, or the assistant judge, at the detached station, with the exception of suits that may be instituted under the provisions of Section XXII. of Regulation II. of 1827, or are reserved under Section XLIII. of the same Regulation, or that may come within the jurisdiction of the col-

Reg. I. 1830. Sup. II. to Reg. II. 1827.

lector or his officers, in pursuance of Chapter VIII., Regulation XVII. of 1827, or its subsequent modifications.

This clause is modified by Clause 2, Section III., Regulation XVIII. of 1831, 3rd Supplement.

Original suits, excepted from the jurisdiction of the native commissioners, to be tried by the judge, or referred by him to his assistants.

Clause 2nd.—Original suits not tried by the native commissioners, as coming under Section XXII. and Section XLIII., Regulation II. of 1827, are to be tried by the judge, or may be referred by him to his assistants.

All original suits now pending to be referred to the native commissioners.

Clause 3rd.—All original suits now pending and in progress before any judge or assistant judge, are to be referred, and made over for trial and decision, to the native commissioners in whose jurisdictions they may lie.

Regulation VII. of 1831, Section IV. enacts, that suits referred to assistant judges for original trial, according to this section, shall be appealable to the zilla judge, and that his decision shall be final, if confirmatory of the original decision, and if the matter at issue be not more than 5,000 rupees; but that otherwise an appeal shall lie to the Sudder Dewanee Adawlut. Vide Acts, No. XI. of 1836, XVI. of 1838, and III. of 1839.

REGULATION XVIII., A. D. 1831.

SUPPLEMENT III. TO REGULATION II. OF 1827.

A Regulation for instituting Gradations of Rank in the Judicial Appointments conferred on Natives, and defining the Authority to be exercised by each Rank:—passed by the Right Honourable the Governor in Council of Bombay, on the 14th day of December, 1831, *corresponding with the* 10*th Margseer Sood Sumbut or Vikramajeet Era,* 1888, *Salbahan,* 1753, *Fusly,* 1241, *Soorsun,* 1232, *and* 9*th Rujub,* 1247, *of the Hijree.*

Preamble.

WHEREAS it is consistent with the principles on which the original trial of civil suits in general has been

vested in natives of the country, that a certain extent of appellate jurisdiction should also be exercised by them; and it being deemed expedient for the better introduction of this measure that certain gradations of rank should be instituted amongst the native judicial authorities, the following Rules are enacted, to have effect from the 1st January, 1832.

Reg. XVIII. 1831. Sup. III. to Reg. II. 1827.

Establishing three gradations of native commissioners, and their respective designations.

SECTION I.—The office of native commissioner, instituted by Regulation II. of 1827, Section XXXVII., shall henceforth comprize three gradations, and the officers holding them shall be denominated native judges, principal native commissioners, and junior native commissioners respectively.

Vide Act XXIV. of 1836, changing these designations to Principal Sudder Ameen, Sudder Ameen, and Moonsiff.

Providing for the appointment of native judges.

SECTION II.—*Clause* 1*st.*—In modification of the 1st Clause of Section XXXVIII., Regulation II. of 1827, it is hereby provided, that the commissions conferring the office of native judge shall be issued by the Governor in Council to such individuals as he may select.

Of principal native commissioners.

Clause 2*nd.*—And the principal native commissioners shall be selected as well as appointed by the Court of Sudder Dewanee Adawlut.

Of junior native commissioners.

Clause 3*rd.*—And the junior native commissioners shall continue to be appointed on the principles laid down in the above quoted enactment.

Native judges to have cognizance, in addition to original suits of any amount, of appeals from decisions of principal or junior native commissioners, not exceeding one hundred rupees.

SECTION III.—*Clause* 1*st.*—Besides the trial of original suits of any amount, appeals from original decisions made in any part of the respective zilla by principal or junior native commissioners, if not exceeding one hundred (100) rupees in amount, may be referred to the native judges, whose decisions thereon shall be subject to the same course of appeal as their decisions on original suits.

Principal native commissioners of original suits

Clause 2*nd.*—In modification of the 1st Clause of Section V., Regulation I. of 1830, it is hereby pro-

Reg. XVIII. 1831. Sup. III. to Reg. II. 1827.

vided, that principal native commissioners shall be authorized to try suits only to the amount of ten thousand rupees, and junior native commissioners only to the amount of five thousand rupees.

to the amount of ten thousand, and junior native commissioners of five thousand rupees.

REGULATION II., A. D. 1833.

SUPPLEMENT IV. TO REGULATION II. OF 1827.

A Regulation for vesting Judicial Native Commissioners with Authority to try Civil Actions in any part of a Zilla to which they stand appointed:—passed by the Right Honourable the Governor in Council on the 16th day of January, 1833, corresponding with the 11th of Poush Vud Sumbut or Vikramajeet Era, 1889; Salbahan, 1754; Fusly, 1242; Soorsun, 1233, and 24th Shaban, 1248, of the Hijree.

Preamble.

WHEREAS it has been found expedient to modify as much of Clause 2nd, Section XXXVIII., Regulation II. of 1827, as provides for the specification of the district over which commissioners have jurisdiction being inserted in the commissions of appointment, the following alterations have been enacted; to take effect from the date of promulgation.

The provision in Regulation II. of 1827 requiring that the commissions shall specify the district of each commissioner's jurisdiction rescinded.

SECTION I.—*Clause 1st.*—So much of Clause 2nd, Section XXXVIII., Regulation II. of 1827, as requires that commissions shall specify the particular district over which the jurisdiction of commissioners shall extend, is hereby rescinded.

Their commissions shall be made for the zilla generally, but their jurisdiction shall extend over a particular district, defined and fixed upon by the zilla judge, under the sanction of Sudder Dewanee Adawlut.

Clause 2nd.—Commissions of appointment shall be made out for the zilla generally. The jurisdiction of commissioners shall continue as at present to extend over a particular district, to be defined and fixed upon by the zilla judge, under the sanction of the Sudder Dewanee Adawlut.

Clause 3*rd.*—Zilla judges shall have authority to depute temporarily commissioners from their ordinary districts to assist in others, where suits may have accumulated and fallen into arrears.

Reg. II. 1833. Sup. IV. to Reg. II. 1827.

The zilla judge authorized to depute the commissioners temporarily from their ordinary districts to assist in others.

REGULATION XXIX., A. D. 1827.

A Regulation for bringing under the operation of the Regulations the Bombay Territories in the Dekhan and Khandesh:—passed by the Governor in Council of Bombay on the 1*st of August*, 1827, *corresponding with the* 9*th Shravun Sood Sumbut or Vikramajeet Era*, 1883, *Salbahan*, 1749, *Fusly*, 1237, *Soorsun*, 1228, *and* 7*th Mohurrum*, 1243 *of the Hijree.*

Preamble.

WHEREAS subsequently to the conquest by the company of the territories of the late Peishwa in the Dekhan and Khandesh, and the acquisition from other states by treaties and agreements of other territories within the said countries, the governments of all the said territories have, with the view of avoiding the abrupt introduction of extensive change, been conducted under the orders of the Governor in Council, constituting a system which was calculated gradually to prepare the way for the introduction of the general rules of the British administration; and whereas the regulations for the administration of the Bombay territories have, in the meantime, been revised, and it has now been judged expedient to bring the territories in the Dekhan and Khandesh under the revised Regulations, being the first twenty-six (26) Regulations of 1827, with certain modifications, the following rules have been enacted, to have effect from the 1st September, 1827.

The revised Regulations and others subse-

SECTION II.—*Clause* 1*st.*—The first twenty-six (26) Regulations of 1827, with the exception of Regula-

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quently passed, made applicable to the Dekhan and Khandesh.

tion XVIII. and of any enactments relating to stamps, shall, from the 1st September, 1827, be of force and effect, except as specifically enacted to the contrary, throughout the Bombay territories in the Dekhan and Khandesh, consisting of the zillas of Poona and Ahmednuggur, as described in Appendix (A) to this Regulation; and the said territories are hereby further brought under the operation of the Regulations, according as they may apply, to be passed from and after the 1st September, 1827, for the government of the territories subordinate to the presidency of Bombay.

Act XI. of 1846 exempts certain villages contained in Appendix (A) of this Regulation from the operation of the Code.

The territories of the Southern Mahratta country are brought under the operation of the Regulations under the rules here provided, with some exceptions, by Regulation VII. of 1830, which also appoints a political agent.

With the exception of stamp enactments, in lieu of which certain fees are levied.

Clause 2nd.—With reference to the zillas of Poona and Ahmednuggur, it is hereby enacted, that the fees on law proceedings, hitherto levied in lieu of stamp duties, shall continue to be charged until the provisions of Regulation XVIII. of 1827 can be brought into operation.

Regulation IV. of 1828 brings Regulation XVIII. of 1827 into operation in the Dekhan and Khandesh.

Courts of civil justice are not to entertain suits against certain persons of rank.

Section III.—*Clause 1st.*—With reference to the said zillas, it is hereby enacted, that, in modification of the rules contained in Regulation II. of 1827, Sections XXI. and XXXVII., Clause 1st, suits against certain persons of rank, as hereinafter specified, shall not come under the jurisdiction of the civil courts.

Of whom a list will be furnished to the judge.

Clause 2nd.—A list of the said persons of rank will be furnished by Government to the judge, who will, on application, communicate the same to any person, who as plaintiff or defendant may show that his interest requires his being supplied with that information.

Section IV.—*Clause* 1*st*.—An agent of Government shall be specially appointed for the purpose of receiving and trying and deciding all complaints of a civil nature, which would, under the ordinary rules, be cognizable by either of the judges of Poona and Ahmednuggur, against any of the persons contemplated in the preceding Section: he shall be furnished with a list of the said persons of rank, and with instructions descriptive of the respective rules of procedure to be followed in the case of each such person, and he shall communicate to any individual making application so much of the above-mentioned information as such individual may show to be important to his own interest.

Suits against such persons will be tried by an officer appointed for the purpose, who will have a list of them and corresponding instructions, and will afford information to those concerned.

* *

Regulations I. of 1831, and XVI. of 1831, provide, that suits connected with land in which persons of the privileged classes are defendants, shall be cognizable by the agent for Sirdars in the Dekhan, and the political agent of the Southern Mahratta country, and not by the collectors of land revenue.

Act XIII. of 1842 declares, that such suits as the above shall be tried by the collector and his assistants, anything contained in Regulations I. and XVI. of 1831 notwithstanding.

Act XIX. of 1835 provides for the appointment of an assistant agent, and specifies his jurisdiction.

Clause 2*nd*.—The list above mentioned shall comprise three (3) classes of persons of rank, and the instructions above mentioned shall provide three (3) several modes of procedure, applicable respectively to each class of the said persons of rank.

The list and instructions will comprise persons of three classes.

Section V.—*Clause* 1*st*.—Suits against the persons belonging to the first of the classes comprised in the agent's list, being individuals of the very first distinction and influence under the Peishwa's Government, on account of their birth, their political importance, or the religious estimation in which they were held, shall be conducted and decided by the agent; reference being

*

The first class, persons of the highest importance, on whom decrees cannot be executed without reference to Government; and an appeal from Government will lie to the King in Council.

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had in the most ample degree to the privileges of the defendant by former usage and custom enjoyed, and to other peculiar characteristics of the case, conformable to like usage and custom; and no decree against any such defendant shall be enforced, until the suit and all proceedings thereon shall have been referred to the Governor in Council (to whom also the plaintiff may appeal), who, as a special Superior Court for the adjustment of such suits, will pass such order thereon as he may deem just and equitable; an appeal to the King in Council being open to either party.

The second class, persons next in importance, whose suits may be appealed to Government, and from Government to the King in Council.

Clause 2nd.—Suits against the persons belonging to the second of the classes comprised in the agent's list, being individuals not equal in consideration to those above adverted to, but of high rank and importance under the Peishwa's Government, shall be conducted and tried by the agent; reference being had in a great degree, and in conformity to former usage and custom, to the rank of the defendant, his situation and privileges under the Peishwa's Government, as affecting his creditor's means of compelling payment during that period, his present means of discharging the debt, and other points material to the real equity of the plaintiff's claim, and the defendant's liability. An appeal against the agent's decision to the superior court of the Governor in Council, as above constituted, shall be open to either party. The petition of appeal shall be presented either to the agent or to Government within ninety (90) days (which period may be extended for good reasons) after the agent's decision was passed: the Rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit; and a final appeal to the King in Council shall be open to either party.

The third class, persons of less importance than the foregoing, whose suits may

Clause 3rd.—Suits against the persons belonging to the third of the classes comprised in the agent's list, being individuals inferior in rank to those of the classes

previously described, but still equitably entitled, on account of the privileges hitherto enjoyed by them, to a certain special degree of consideration, shall be conducted and tried by the agent, in like conformity to usage and custom, with some relaxation of the Rules of the General Regulations, and some portion of attention to the points above specified for regulating his decisions in suits against individuals of the two superior classes. An appeal to the Sudder Dewanee Adawlut, against the agent's decision, shall be open to either party; the petition of appeal shall be presented either to the agent or to the Sudder Dewanee Adawlut, within ninety (90) days (which period may be extended for good reasons after the agent's decision was passed); the Rules for trial and decision of such appeal shall be the same as those prescribed for the original trial of the suit, with which view the instructions of the agent, with regard to the defendant, shall be communicated by Government to the Sudder Dewance Adawlut; and a final appeal to the King in Council shall be open to either party, under the Rules contained in the General Regulations with reference to such appeals from the decrees of the Sudder Dewanee Adawlut.

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be appealed to the Sudder Adawlut, and from that court to the King in Council.

Section VI.—With reference to the said zillas, it is likewise enacted, in further modification of Section XXI., Regulation II. of 1827, and in modification of Section VI., Regulation XVI. of 1827, and Sections IX., XVI. XXXIV. and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the civil court.

The civil courts in the Dekhan have no jurisdiction.

Clause 1*st.*—All claims for damages against persons in authority under the late Government for abuse of power during that period.

In cases of damages for oppression under the former Government.

Clause 2*nd.*—All claims against Government on account of Enams.

In claims against Government on account of Enams.

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Jagheers, wurshasuns, and other advantages, not hereditary.

Clause 3rd.—All claims against Government on account of jagheers, wurshasuns, pensions, neemnooks, and other advantages, not hereditary.

In disputes regarding revenue, or alleged exactions.

Clause 4th.—All disputes regarding public rent or revenue payable to Government, and all complaints of exaction by mamlutdars, or district or village officers.

Or in disputes regarding village debts, boundaries, &c.

Clause 5th.—All claims on account of village debts, all village boundary disputes, and disputes regarding the use of wells and watercourses.

Act XVI. of 1838 declares, in modification of Chapter VIII. of Regulation XVII. of 1827, that, in the territories subject to the Presidency of Bombay, all suits in regard to tenures and the interests connected therewith, and all suits respecting the right to the possession of land, or of the wrattuns of hereditary officers, shall be brought in the Adawluts, and not in the Revenue courts.

Pleaders may be admitted to practise by a committee presided over by the judge.

Section VII.—*Clause 1st.*—With reference to the said zillas, it is further hereby enacted, *that, in modification of the Rules contained in Regulation II. of* 1827, *Section XLVIII., the judge of the zilla shall be equally empowered with the judge of the Sudder Adawlut to preside in a committee, to examine pleaders, and to grant certificates of qualification for practice in his court: that, in modification of the Rules contained in Regulation II. of* 1827, *Section XXVIII., Clauses 5th and 6th, the judge may refer to his senior assistant suits not exceeding in amount rupees ten thousand* (10,000), *and to his junior assistant suits not exceeding in amount rupees five thousand* (5,000); *and that, under the circumstances stated in Clause 6th, Section XXVIII., Regulation II. of* 1827, *the Governor in Council may authorize suits not exceeding in amount rupees twenty thousand* (20,000), *as well as the appeals from the decisions of a junior assistant as therein specified, to be referred to a senior assistant.*

Senior assistants may try suits extending to rupees 10,000, and junior assistants rupees 5,000.

And, in certain cases, a senior assistant may be empowered to try suits of rupees 20,000 and appeals from junior assistant.

So much of this Clause as empowers the zilla judges of the Dekhan and Khandesh to examine pleaders and grant certificates is repealed by Act No. I. of 1846, Clause 3rd; and the remainder is rescinded, with certain excep-

tions therein set forth, by Regulation I. of 1830, Section III. and IV.

Clause 2nd.—That, in modification of the Rules contained in Clause 1st, Section LXXII., Regulation IV. of 1827, it shall at all times be competent to the judge to refer to a senior assistant appeals from the decisions of native commissioners; and that, in modification of the provisions of Clause 3rd of the said Section, the amount (found as prescribed in the said Clause) which shall confer a right to an appeal to the Sudder Adawlut from the decree of the judge, reversing or modifying an original decree passed by a senior assistant, shall be rupees one thousand (1000).

And appeals from a native commissioner may always be referred to a senior assistant.

A regular appeal will not lie from the decree of a judge against a senior assistant's original decree, unless the judge's reversal or modification extend to rupees 1,000.

Clause 3rd.— That, in modification of the 3rd Clause of Section LXI., Regulation IV. of 1827, the decrees of the civil courts shall not be enforced for a period of thirty (30) days subsequently to their being passed.

Enforcement of decrees must be thirty (30) days after the decision.

Clauses 1st, 2nd, and 3rd, Section ~~LXI.~~ LXII., Regulation IV. of 1827, are rescinded by Regulation VII. of 1831, which modifies the Rules for appeals.—Q. V.

APPENDIX (A).

(See Section II., Clause 1st.)

Territorial Description of the Zillas in the Dekhan and Khandesh, established under the Presidency of Bombay, formed of Conquests from the Peishwa (Proclamation of Occupation 11th February, 1818) and Cessions from Holkar (Treaty 6th January, 1818), Sindia (Treaty 6th February, 1820) and the Nizam (Treaty 12th December, 1822).

ZILLA OF POONA.

This description includes Sholapoor, since formed into a separate zilla, with some addition from Dharwar.

The two (2) turufs Havelee-Poona and Kuryat-Mawul.

The fifteen (15) following villages of the turuf Kairoo Barra, viz.

1. Seurey,
2. Kondunpoor.
3. Kullian.
4. Rahtowery.

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5. Ombrey.
6. Arvee.
7. Dewrey.
8. Kamsey.
9. Khetcowla.
10. Koombosee.
11. Gavurdurrey.
12. Gogulwara.
13. Kaumthurree.
14. Khair Sewapoor.
15. Kelwur.

The three (3) following villages of the turuf Moosa Khora, viz.

1. Jamlee. 2. Sonapoor. 3. Sangroon.

The three (3) following villages of the turuf Moota Khora, viz.

1. Ambegaum. 2. Bhowlee. 3. Ambee.

The two (2) following villages of the turuf Kanud Khora, viz.

1. Vinjer. 2. Antrolee.

The village of Aptee, turuf Hirdus Mawul.

The eighteen (18) turufs, Sandus, Pautus, Panbul, Mahaloonga, Owsirree, Khair, Chakun, Gora, Warra, Ambegaum, Juneer, Wotoor, Ala, Bela, Murkhora, Kokutneer, Minneer, and Naraingaum.

The ten (10) following villages of the turuf Kurda, viz.

1. Ambee.
2. Khamboree.
3. Burradee.
4. Lowkee.
5. Nandoor Kundoomal.
6. Bhaugree.
7. Aldurrey.
8. Lingdee.
9. Ghasgaum.
10. Peempulgaum Joga.

The three (3) turufs, Under Mawul, Nanee Mawul and Pour Khorey.

The thirty-two (32) following villages of the turuf Pown Mawul, viz.

1. Kuroonj.
2. Ambegaum.
3. Poosanee.
4. Chandkher.
5. Keeley.
6. Sheotee.
7. Sindgaum.
8. Pawley.
9. Kurdey.
10. Sirowlee.
11. Ghewundee Alwun.
12. Aptee.

13. Kauter Kurruk.
14. Mullowlee.
15. Shewlee.
16. Aridew.
17. Shewnee.
18. Bower.
19. Thoogaum.
20. Purdowree.
21. Mahagaum.
22. Koosgaum.
23. Yelsee.
24. Beburwohol..
25. Reehey.
26. Pauchaney.
27. Bersee.
28. Budowlee.
29. Arrey.
30. Oorsee.
31. Gotowra.
32. Adaley Khoord.

The three (3) turufs, Kurree-Puthar, Sassor and Soopa.

So much of the two (2) turufs, Neer Thurree and Seerwul as lies north of the Neera river.

The six (6) turufs, Indapoor, Baramuttee, Mohol. Oondurtuppa, to the west of the Seena river, Bhoosey and Teimboornee.

The four (4) following villages of the turuf Kurkumb, viz.

1. Goorsally.
2. Baudulkot.
3. Kuroley.
4. Oojenee.

The two (2) following villages of the turuf Kathee, viz.

1. Sorstee.
2. Shunkurgaum.

The three (3) turufs, Sholapoor, Ahirwaree and Mundroop.

The five (5) following villages denominated the Summut Phootgaum, viz.

1. Undal.
2. Mooranchee.
3. Nerkher.
4. Darphul.
5. Mungrool.

The seven (7) turufs, Indee, Taumba, Hiperga, Julwud-Kokutnoor, Almela, Burdool and Ooklee.

The three (3) following villages of the turuf Havelee Beejapoor, viz.

1. Ookmunhal.
2. Kowlga.
3. Ahleabad.

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The four (4) following villages of the turuf Hortee, viz.

1. Ranjunhal.
2. Minchanhal.
3. Teelihal.
4. Kyatilkeery.

The kusba of Sindghee.

The six (6) following villages of the turuf Honwar, viz.

1. Jaleehal.
2. Ramteerut.
3. Yeteenhal.
4. Arahullee.
5. Kulkowteghee.
6. Ghonusghee.

The seven (7) following villages of the turuf Antee, viz.

1. Arulhuttee.
2. Ubeehal.
3. Tungurree.
4. Mungsoola.
5. Bulgheree.
6. Sumbarga.
7. Bemunhal.

The two (2) following villages of the turuf Hulsinghee, viz.

1. Bhutgoonkee.
2. Goteehal.

The six (6) following villages, viz.

1. Awurkor.
2. Heeney Pursulghee.
3. Soorpal.
4. Teengnee Beedree.
5. Hongalhullee.
6. Karjol.

The two (2) turufs, Talicotta and Nalitwaur.

The kusba of Bhaghewaree and the two (2) villages of Musbinhal and Yerwaul.

The four (4) following villages in the turuf Mohumudpoor, viz.

1. Jynapoor.
2. Boodenee.
3. Oopuldinnee.
4. Goorodhal.

The village of Bhaganuggur, turuf Sednak.

The seven (7) following villages of the turuf Chimulghee, viz.

1. Disalkop.
2. Mijurkop.
3. Mookarteehal.
4. Golsinghee.
5. Ghurree.
6. Liklewaree.
7. Maundghee.

ZILLA OF AHMEDNUGUR.

Ahmednugur Collectorship.

Barsee Panch Muhals.

The Peishwa's share of the purgunna Dokey.

The village of Wagholey in the Dharoor purgunna.

So much of the purgunna Havelee-Purinda as lies west of the Seena river, and the village of Sonaree to the east of the said river.

The two (2) purgunnas of Jamkhair and Wanghee.

The Peishwa's share of Praunt Kurrewureet and that part of the Nizam's share which lies west of the Seena river.

The Peishwa's share of the Ashtee purgunna and the turuf Manoor.

The two (2) turufs, Nuggur Havelee and Ranjungaum.

The purgunna Parnair.

The nine (9) following villages in turuf Belhey, viz.

1. Dowulgaum.
2. Orngaum.
3. Kurnjowna.
4. Babra.
5. Kolgaum.
6. Seedoree.
7. Ookurgaum.
8. Eesapoor.
9. Andulgaum.

The two (2) purgunnas of Kurdah and Neywassa, except the village of Julkey.

The two (2) turufs, Ganjih-Bhoeera and Wawrud.

The purgunna Baragaum Nundoor.

The Peishwa's share of the two (2) purgunnas, Byzapoor and Gandapoor, together with the village of Taklee.

The purgunna Sungumnair, together with the three (3) kusbas of Rhateh, Phooltamba and Whawa.

The thirteen (13) purgunnas Dandurphul, Kotool, Ankola, Sinnur, Khoombaree, Patoda, Nassik, Trimbuk, Waghera, Wunnee, Deendoree, Shewgaum and Chandor.

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Khandesh Collectorship.

The thirteen (13) purgunnas, Lulling, Songher, Nher, Amulner, Betawud, Dhangree, Gurondol, Jullod, Chundshuhr, Bhurgaum, Bhal, Ootran and Muswa.

The purgunna Pachora, which belongs to Sindia, but is governed by the British.

The turuf Lohara-Havellee, which belongs to Sindia, but is governed by the British.

The turuf Sangwee in the Lohara purgunna.

The five (5) purgunnas, Sendoornee, Chaleesgaum, Rajdesh, Mahombaraee and Manikpoory.

The eighteen (18) following villages of the Kunnur purgunna, viz.

1. Rolter.
2. Rohilla.
3. Porkree.
4. Mulligum.
5. Champaneer.
6. Heengunney.
7. Nyadomgree.
8. Sahkegaum.
9. Kudrey.
10. Kunedee.
11. Julgaum.
12. Jamdee.
13. Toonvuney.
14. Pullasgaum.
15. Malpoor.
16. Vetulpoor.
17. Mukrundurpoor.
18. Nursingpoor.

The two (2) kusbas of Ranjungaum and Jateygaum.

The twenty-four (24) purgunnas, Galna, Chikulwal, Tokrah, Jorgah, Lohonair, Wakaree, Sandus, Jaytepoor, Pissol, Tilwur, Koralee, Otoor, Pala, Hutghur, Kunnassee, Pimpla, Pimpulnair, Dhywul, Warsa, Bhamain, Nowapoor, Nundoorbar, Sooltanpoor and Kokurmoonda.

The three (3) kusbas of Pankera, Oomurputta and Chowpala.

The principality of Akranee.

The purgunna of Choprah, which belongs to Sindia, but is governed by the British.

The two (2) purgunnas of Thalner and Amba.

The kusba of Sindwa.

The purgunna of Yawul, which belongs to Sindia, but is governed by the British.

The two (2) purgunnas of Arawud and Sowda.

The village of Changdeo.

The purgunna of Rawer, including the turuf of Pal.

The four (4) purgunnas of Nusserabad, Jamnair, Bhoodwur and Bornar.

Regulation X. of 1830, 3rd Supplement, brings under the Regulations certain villages in Khandesh omitted in this Appendix.

Act XI. of 1846 exempts certain villages in Khandesh, comprised in the purgunnas Nundoorbar, Sooltanpoor and Kokurmoonda, in this Appendix, from the operation of the Regulations.

REGULATION IV., A.D. 1828.

SUPPLEMENT I. TO REGULATION XXIX. OF 1827.

A Regulation for bringing under the operation of the Stamp Regulations the Bombay Territories in the Dekhan and Kandesh, including Sholapoor:— passed by the Governor in Council at Bombay on the 21st day of May, 1828, *corresponding with the 7th Jest Sood or Vikramajeet Era,* 1884, *Salbahan,* 1750, *Fusly,* 1237, *Soorsun,* 1228, *and 6th Zilkaud,* 1243, *of the Hijree.*

Preamble. WHEREAS by Section II. Clause 1st of Regulation XXIX. of 1827, the Bombay Territories in the Dekhan and Khandesh, including Sholapoor, are exempted from the provisions of Regulation XVIII. and of any enactments relating to stamps, and it being now judged expedient that the said exemptions should no longer continue in force, the following rules are enacted:—

Regulation XVIII. and enactments relating to stamps made applicable to the Dekhan and Kandesh, including Sholapoor. SECTION I.—That the provisions of Regulation XVIII. of 1827, and of any enactments relating to stamps, be brought into operation in the above-named territories from the date of promulgation of this Regulation.

Reg. V. 1828. Supp. II. to Reg. XXIX. 1827.

REGULATION V., A.D. 1828.

SUPPLEMENT II. TO REGULATION XXIX. OF 1827.

A Regulation for prescribing Rules under which the Jurisdiction of the Deputy Agent for the adjusting of Sirdars' Claims in the Dekhan, in the trial of Suits against Sirdars, shall be executed; and for defining, in certain instances, the Powers of the Agent to hear and determine Appeals from his Deputy:—passed by the Honourable the Governor in Council at Bombay on the 21st day of May, 1828, corresponding with the 7th Jest Sood or Vikramajeet Era, 1884, Salbahan, 1750, Fusly, 1237, Soorsun, 1228, and 6th Zilkaud, 1243, of the Hijree.

This Regulation is rescinded by Regulation I. of 1834, passed on the abolition of the office of Deputy Agent. Act XIII. of 1842 provides for the appointment of Assistant Agent.

REGULATION X., A.D. 1830.

SUPPLEMENT III. TO REGULATION XXIX. OF 1827.

A Regulation for bringing under the operation of the Regulations certain Villages in the Collectorship of Khandesh:—passed by the Governor in Council at Bombay on the 17th day of March, 1830, corresponding with the 8th of Falgoon Vud Sumbut or Vikramajeet Era, 1886, Salbahan, 1751, Fusly, 1239, Soorsun, 1230, and 21st Rumzan, 1245, of the Hijree.

Preamble. WHEREAS certain villages have been omitted in the territorial description appended to Regulation XXIX. of 1827, the following rules have been enacted, to have effect from the date of promulgation.

The Regulations now in force throughout the zilla declared applicable to the following villages.

SECTION I.—The Regulations at present in force throughout the rest of the collectorship of Khandesh shall have effect in and over the following villages:—

Reg. X. 1830. Supp. III. to Reg. XXIX. 1827.

The thirteen (13) following villages of the Kunner purgunna.

1. Chicklethan.
2. Hutnoor.
3. Bansendry.
4. Wuddaly.
5. Bhokurgaum.
6. Solegaum.
7. Baboolkhera.
8. Jowoolkee.
9. Garagaum.
10. Khuwitkehra.
11. Ansul.
12. Bahagaum.
13. Bhokungaum.

The three (3) following detached villages from the purgunna of Edulabad.

1. Witwa. 2. Melsanguy. 3. Managaum.

The village of Unterkhera detached from the purgunna of Jynabad.

Acts hitherto done in the exercise of judicial authority declared legal.

SECTION II.—All acts hitherto done in the exercise of any judicial authority in and over the aforesaid seventeen villages are hereby made and declared to be legal.

REGULATION XVIII., A.D. 1830.

SUPPLEMENT IV. TO REGULATION XXIX. OF 1827.

A Regulation providing for the Appointment of a Joint Judge within the Zilla of Poona:—passed by the Governor in Council of Bombay on the 3rd of November, 1830, corresponding with the 3rd of Kartig Vud Sumbut or Vikramajeet Era, 1887, Salbahan, 1752, Fusly, 1240, Soorsun, 1231, and 16th Jummadee ul Avul, 1246, of the Hijree.

Preamble.

WHEREAS it has appeared advisable to appoint an officer for the purpose of affording temporary aid in the administration of civil justice within the zilla of Poona, the following Rules have therefore been enacted, to be in force from the date of promulgation.

A joint judge appointed.

SECTION I.—*Clause* 1*st*.—A joint judge shall be appointed, who shall be vested with co-extensive

Reg. XVIII. 1830. Supp. IV. to Reg. XXIX. 1827.

powers and a concurrent jurisdiction with the judge of the zilla, except that he shall not keep a file of civil suits, but shall transact such civil business only as he may receive from the judge of Poona.

To be guided by the rules and regulations in force for the judge.

Clause 2nd.—The Rules and Regulations at present in force, or which may hereafter be enacted for the guidance of the judge, shall be equally applicable to the joint judge.

Oath.

SECTION II.—Previous to exercising the functions of his office, the joint judge shall take the oath prescribed for the judge, with the requisite alteration of designation.

Seal.

SECTION III.—The seal of the joint judge shall be the same as is used by the judge of the zilla.

Act XXIX. of 1845 authorizes the appointment of a joint judge in any zilla.

REGULATION I., A.D. 1831.

SUPPLEMENT V. TO REGULATION XXIX. OF 1827.

A Regulation for extending the Jurisdiction of the Agent of Government, acting under the provisions of Section IV. Regulation XXIX. of 1827, *over Suits in which Persons of Rank of the privileged Classes are concerned, and which are now cognizable by the Collectors of Land Revenue:—passed by the Governor in Council of Bombay on the 5th of January,* 1831, *corresponding with the 7th of Poush Vud Sumbut or Vikramajeet Era,* 1887, *Salbahan,* 1752, *Fusly,* 1240, *Soorsun,* 1231, *and 20th Rujub,* 1246, *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to extend the jurisdiction of the agent of Government, acting under the provisions of Section IV., Regulation XXIX. of 1827, to suits connected with land, its rent and produce, wherein persons of rank of the privileged

classes, established by that Regulation, are concerned; the following rules have accordingly been enacted, to have effect from the date of promulgation.

Reg. I. 1831. Supp. V. to Reg. XXIX. 1827.

SECTION I.—*Clause 1st.*—It is hereby declared, that suits connected with land, its rent and produce, wherein persons of rank of the privileged classes, established by Regulation XXIX. of 1827, are concerned, and which, under the provisions of Section XXXI. of Regulation XVII. of 1827, are within the jurisdiction of collectors of land revenue, shall hereafter be cognizable only by the agent of Government acting under the powers vested in him by Section IV., Regulation XXIX. of 1827, and under the same rules as are prescribed for his guidance in other cases.

Suits connected with land, its rent and produce, in which persons of rank of the privileged classes in the Dekhan are concerned, shall be cognizable by the agent of Government and not by the collector of land revenue.

Clause 2nd.—All suits of the nature adverted to in this Regulation now pending in the Revenue Courts of the zillas of Poonah and Ahmednuggur, are to be transferred to the agent of Government, on the promulgation of this Regulation, to be proceeded with before that authority.

All suits of this nature now pending to be transferred to the agent of Government.

Act XIII. of 1842, Section VI., virtually rescinds this Regulation, and enacts that these suits shall be tried by the collector and his assistants, anything contained in this Regulation notwithstanding.

REGULATION XVI., A. D. 1831.

SUPPLEMENT VI. TO REGULATION XXIX. OF 1827.

A Regulation for extending the Jurisdiction vested in the Political Agent in the Southern Mahratta Country, under the provisions of Section V., Regulation VII. of 1830, *to the Cognizance of Civil Suits of the nature specified in Regulation I. of* 1831, *and also for the better defining the Extent of Jurisdiction therein conferred with respect to Persons of the privileged Classes:—passed by the Right*

Reg. XVI. 1831. Supp. VI. to Reg. XXIX. 1827.

Honourable the Governor in Council of Bombay on the 14th day of September, 1831, corresponding with the 8th Bhadrapud Sood Sumbut or Vikramajeet Era, 1887, Salbahan, 1753, Fusly, 1241, Soorsun, 1237, and 7th Rubee-ul-Akhur, 1242, of the Hijree.

Preamble.

WHEREAS it has been deemed expedient to extend to the political agent in the southern Mahratta country, as agent of Government, the cognizance of suits of the nature specified in Regulation I. of 1831, and to define more expressly the extent to which such suits shall be cognizable before the agent of Government, the following rules have therefore been enacted, to have effect from the date of promulgation.

Suits of the nature specified in Clause 1st, Section I., Regulation I. of 1831, also declared cognizable before the political agent of the southern Mahratta country.

SECTION I.—It is hereby enacted, that suits of the nature specified in Clause 1st, Section I., Regulation I. of 1831, shall also be cognizable before the political agent in the southern Mahratta country, as agent of Government, and shall be tried by him in the same manner and under the same rules as are prescribed for his guidance in Section V., Regulation VII. of 1830.

The provisions of Clause 1st, Section I., Regulation I. of 1831, explained to be applicable to such suits only wherein the persons of the privileged classes are defendants.

SECTION II.—And it is further explained, with reference to Clause 1st, Section I., Regulation I. of 1831, that such suits shall be cognizable before the agents of Government only, when the person of the rank of the privileged classes shall, in the original suit, stand in the relation of defendants.

Act XIII. of 1842, Section VI., virtually rescinds this Regulation, and declares that the suits herein indicated shall be tried by the collector and his assistants, anything in this Regulation notwithstanding.

Reg. I. 1834. Supp. VII. to Reg. XXIX. 1827.

REGULATION I., A.D. 1834.

SUPPLEMENT VII. TO REGULATION XXIX. OF 1827.

A Regulation for abolishing the Office of Deputy Agent for Sirdars in the Dekhan and for rescinding Regulation V. of 1828, *which defines the Duties and Jurisdiction of that Office:—passed by the Right Honourable the Governor in Council of Bombay, on the* 15*th day of January,* 1834, *corresponding with* 5*th Poush Sood Sumbut or Vikramajeet Era,* 1890, *Salevhan,* 1755, *Fusly,* 1243, *Soorsun,* 1234, *and* 4*th Rumzan,* 1249, *of the Hijree.*

Preamble.

WHEREAS it having been determined by Government to abolish the office of deputy agent for the adjustment of claims against sirdars in the Dekhan, the following Rules have been enacted, to have effect from the date of promulgation.

Regulation V. of 1829 rescinded.

SECTION I.—Regulation V. of 1828 is hereby rescinded.

Suits hitherto tried by the deputy agent shall be heard and decided by the agent.

SECTION II.—*Clause* 1*st.*—Suits of the description heretofore tried by the deputy agent, shall be heard and decided by the agent.

Suits and other proceedings in progress before the deputy agent how to be disposed of.

Clause 2*nd.*—All suits or other proceedings in progress before the deputy agent are to be made over to the agent, who will proceed with their disposal under the rules provided in Regulation XXIX. of 1827.

REGULATION VII., A.D. 1830.

A Regulation for bringing under the operation of the Regulations the Territories comprised in the Southern Mahratta Country, belonging to the Honourable Company, and forming the said Territories into a Zilla: —passed by the Governor in Council of Bombay on the 17*th March,* 1830, *corresponding with the* 8*th*

of Falgoon Vud Sumbut or Vikramajeet Era, 1886, *Salbahan*, 1751, *Fusly*, 1239, *Soarsun*, 1230, *and* 21*st Rumzan*, 1245, *of the Hijree.*

Preamble.

Whereas the administration of the territories of the Southern Mahratta country, acquired by conquest by the Honourable Company from the Peishwa, and by treaty and agreement from other states, has been hitherto conducted under the orders of the Honourable the Governor in Council, the Regulations being in force in the said territories as instructions to be acted upon, as far as circumstances, under the recent acquisition, might dictate, and as preparatory to the formal introduction of the Regulations as established laws: and whereas the said country and territories having now, by order of the Honourable the Court of Directors, been finally annexed to the Presidency of Bombay, the Honourable the Governor in Council has judged it expedient to form the said territories into a zilla, to be denominated the Zilla of Dharwar, and to introduce and establish therein the Regulations now in force under the Presidency of Bombay, in the same manner, and upon the same principles, as in the territories of the Dekhan and Khandesh, under the provisions of Regulations XXIX. and XXX. of 1827, the following Rules have therefore been enacted, to have effect from the 1st June, 1830:—

The territories of the Southern Mahratta country formed into a zilla.

Section I.—The territories of the Southern Mahratta country, as described in Appendix (A) to this Regulation, are hereby formed into a zilla, to be denominated the Zilla of Dharwar.

Brought under the operation of the Regulations.

Section II.—And it is hereby enacted, that the said zilla is brought under the operation of the General Regulations now in force under the Bombay Presidency, with the exceptions and according to the rules provided in Regulations XXIX. and XXX. of 1827, for the territories of the Dekhan and Khandesh, as the same may not have been modified by any subsequent

enactment, and with the exceptions of the following Sections :—

Exception.

Section III.—It is hereby enacted, that for such period as may be deemed expedient by the Honourable the Governor in Council, the office of judge and session judge in the zilla of Dharwar shall be vested in the same person as is collector and magistrate.

Office of judge and session judge, and of collector and magistrate, vested, for the present, in one person.

There is now a judge for the Dharwar zilla and two collectors, one to each of the collectorates of Dharwar and Belgaum, into which it is divided.

Section IV.—The assistant judge at Dharwar, whilst the offices of judge and collector are in the same person, is to have the jurisdiction and authority of a senior assistant judge at a detached station.

Jurisdiction of the assistant judge to be that of senior assistant judge detached.

Section V.—There shall be a political agent in the Southern Mahratta country, on the part of Government, for the trial of suits against persons of rank; and in modification of the rules contained in Section III., and in the following Section of Regulation XXIX., 1827, it is enacted, that suits against such persons, of whom a list shall be furnished by Government to the agent, shall be tried by him in the same manner and under the same rules as are enacted for the agent of Sirdars' claims for the Dekhan.

There shall be a political agent with power to try suits instituted against persons of rank, under certain modifications of Section III., Regulation XXIX., 1827.

Regulation XVI. of 1831 enacts, that suits connected with land, in which persons of the privileged classes are defendants, shall be cognizable by the political agent.

Act XIII. of 1842 enacts, that such suits shall be tried by the collector and his assistants, anything in Regulation XVI. of 1831 notwithstanding. Vide published Interpretation on Regulation XXIX., Sections III., IV. and V.

APPENDIX (A).

Territorial Description of the Zilla of the Carnatic, or Southern Mahratta Country, under the Presidency of Bombay, formed by Conquests from the Peishwa (Proclamation of Occupation 11th February, 1818);

Reg. VII. 1830. App. (A).

Cession by the Rajah of Colapore (definitive Treaty 15th March, 1829); Reversion of Jageers, on failure of direct Heirs; Resumption of a Part of the Sanglee Jageer in lieu of Service; and the Transfer of two Talooks from the Poona Zilla. (Order of Government, dated 19th November, 1829).

The thirty-two (32) purgunnas, Dharwar, Nowlgoond, Gudug, Bunkapoor, Siggaon, Hangul, Adoor, Misserrecotah, Old Hoobly, New Hoobly, Eyurnee, Goottul, Kagenellee, Kode, Herekeroor, Chickkeroor, Cooppeloor, Tilwully, Khanapoor, Moorgode, Bagulkotah, Rollee, Beelgee, Badamee, Keroor, Moodkuvee, Hoongoond, Nundwargee, Indee, Taumba, Hiperga and Jalwadkokutnoor.

Purgunna Karduga (with the exception of the villages of Sawlgaon, Balihully, Jogeswere, Kondoor, Woginkeree, Indoor, Urshenageree and Honagoond, included in the Sonda Province, under the Madras Presidency; Yareeboodihall, belonging to Chintamun Row Sahib Sangleekur; Yellapoor, belonging to Madhew Row Sahib Meritchkur; and Savanoor, Holunhully, Chilloor. Tobuda-Hoolikutty Gubboor, Munkutty, Jekinkutty, Toroor, Siddapoor, Yekkeekope, Cubbanoor, Wuddinakope, Naikerroor, Tendoor, Munoor, Neerulkutty, Dommur-Muttoor, Moolkery, Madapoor, Busavunkope, Chundapoor, Kulliwal, Nundihully, Honneekope and Surupakutty belonging to the Nawab of Savanoor).

Purgunna Nirsungee (with the exception of the villages of Warulugee and Woneekerry, included in the Sonda province, under the Madras Presidency).

Purgunna Turus (with the exception of the villages of Balinhully and Kulkeree, included in the Sonda province, under the Madras Presidency).

Purgunna Pachapoor (with the exception of the villages of Bussapoor, Huggedahall Urleekutty, Seroor, Shahbundur, Islampoor and Ghootgooddy, belong-

ing to the Rajah of Colapore; Toommurgooddy and Hurunkolla, belonging to Chintamun Row Sahib Sangleekur; and Boodihall and Mulbemurdee, belonging to Rughoonath Row Sahib Koorundwarkur).

Purgunna Ranee Bednore (with the exception of the village of Mun-Milar, included in the Ballari district, under the Madras Presidency).

Purgunna Ruttehully (with the exception of the village of Ookudgutree, belonging to the Rajah of Mysore).

Purgunna Mausoor (with the exception of the villages of Khuwaspoor and Gooludhully, belonging to the Rajah of Mysore).

Purgunna Almella (with the exception of the villages of Haukoanhully and Moorganoor, belonging to the Soorpoor Rajah, Nizam's territories).

Purgunna Burdole (with the exception of the village of Oomruz, belonging to Govind Row Sahib Putwurdun).

Purgunna Talicottah (with the exception of the villages of Bhuttnoor, Tuggurtuggee, Allapoor, Nagavee-Allapoor, Narainapoor, Holikeree and Vudgerree, belonging to the Soorpoor Rajah, Nizam's territories).

Purgunna Nalitwaur (with the exception of the villages of Mudlingud-hully, Kolegooddah and Busapoor, belonging to the Soorpoor Rajah, Nizam's territories).

The six (6) turufs Carkope, Marudagee, Oogurgole, Morub, Medlary and Vutnal.

The twenty-two (22) Kurryats-Ameenbhavee, Narendur, Devur-Hoobly, Tudkode, Eckoondee, Bettigerah, Umbudgutty, Sumpgaon, Bagewadee, Kadurvully, Golehully, Nundgurh, Hulsegee, Kuc-

keree, Carlugee, Lokolee, Munolee, Muztee, Yellee-Munolee, Sudalgah, Sindogee, Suttigerree.

Kurryat Nesurgee (with the exception of the village of Mudunbhavee, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, alias Nepanekur).

Kurryat Belwadee (with the exception of the village of Doddwar, belonging to Chintamun Row Sahib Sanglekur).

Kurryat Kubboor (with the exception of the village of Belakode, belonging to Siddojee Row Naik Nimbalkur, Sur-Lushkur, alias Nepanekur).

The five (5) summuts, Tegoor, Kulkeree, Kulghutgee, Bommeekutty and Toombah.

The twelve (12) villages under the fort of Kullaniddee-gurh.

Fort of Heree Gundhurvgurh, and its dependencies.

Fort of Gudjendragurh, and its dependencies.

The five (5) following villages of the purgunna Nurgoond, viz.

1. Tudahal.
2. Kurkeecutty.
3. Auchmutty.
4. Gooloogoondee.
5. Revudeekope.

The thirteen (13) following villages of the purgunna Govincopp, viz.

1. Benkuncopp.
2. Urshingode.
3. Hunchinhall.
4. Hudgulee.
5. Coorulgery.
6. Khanapoor.
7. Mudgoonkee.
8. Gobburgoompee.
9. Bettud Koosogul.
10. Hurlapoor.
11. Govuncopp.
12. Mullapoor.
13. Javoor.

The four (4) following villages of the purgunna Azumnugur, viz.

1. Qusba Belgaon.
2. Hindulghee.
3. Sindolee.
4. Munnoor.

The eight (8) following villages of the purgunna Shapoor, viz.

1. Koodchee.
2. Kunaburgee.
3. Chundunhosoor.
4. Dhamnee.
5. Moochundee.
6. Yulebile.
7. Moduga.
8. Chundgurh.

The village Chickwudavully of the purgunna Sirhutty.

The seven (7) following villages of the purgunna Lutchmesswer, viz.

1. Sunkleepoor.
2. Budnee.
3. Vittulapoor.
4. Humigee.
5. Goommagole.
6. Mullikarzunpoor.
7. Chakinkeree.

The village of Boodihal of the purgunna Coondgole.

The village of Algoondee of the purgunna Machuknoor.

The seven (7) following villages of the purgunna Ooklee, viz.

1. Kusba Ooklee.
2. Mungolee.
3. Coomutgee.
4. Bissulhall.
5. Nundeehall.
6. Yembutnahall.
7. Hutturkeehall.

The four (4) following villages of the purgunna Hortee, viz.

1. Rajunhal.
2. Minchunhal.
3. Teelihal.
4. Kyatunkerry.

The six (6) following villages of the purgunna Honwar, viz.

1. Jaleehal.
2. Ramteerut.
3. Yeteenhal.
4. Arahullee.
5. Culkowteghee.
6. Ghonusghee.

The three (3) following villages of the purgunna Bagewadee, viz.

1. Kusba Bagewadee.
2. Musbinahall.
3. Yernal.

Reg. VII. 1830. App. (A).

The nine (9) following villages of the purgunna Alnee, viz.

1. Arulhuttee.
2. Ubeehal.
3. Tungurree.
4. Mungsoola.
5. Bulgheree.
6. Sumbarga.
7. Bomunhal.
8. Mudhabhavee.
9. Partunhullee.

The village of Bhuhtgoonkee of the purgunna Hulsinghee.

The village of Awurkore of the purgunna Gurrikokutnoor.

The village of Pursulghee of the purgunna Bidurree.

The two (2) following villages of the purgunna Ghote, viz.

1. Soorpah.
2. Teengnee Beedree.

The two (2) following villages of the purgunna Moolwad, viz.

1. Honganhullee.
2. Karjol.

The seven (7) following villages of the purgunna Chimulghee, viz.

1. Bisalkop.
2. Muzurekop.
3. Mookarteehall.
4. Golsinghee.
5. Ghunee.
6. Siklewaree.
7. Marudghee.

The village of Bhaganugur of the purgunna Siddanath.

The three (3) following villages of the purgunna Mohumudapoor, viz.

1. Jynapoor.
2. Boodenee.
3. Oopuldinee.

The two (2) following villages of the purgunna Terdhall, viz.

1. Suputa Saugur.
2. Khemlapoor.

The three (3) following villages of the purgunna Mungulwedah, viz.

1. Kuvatholy.
2. Donuz.
3. Umbeh.

The village Konnoor in the purgunna Jumkhundy.

The four (4) following villages of the purgunna Vitul Vishram, viz.

1. Rajgotee.
2. Coondanoor.
3. Sooppeh.
4. Toorkewadee.

The six (6) following villages of the purgunna Moolgoond, viz.

1. Bandawar.
2. Cunavee.
3. Hossoor.
4. Bussapoor.
5. Sittaulhurree.
6. Serooz.

The four (4) following villages of the turuf Konnoor, viz.

1. Heerecopp.
2. Humpiholee.
3. Hagnoor.
4. Belleree.

The four (4) following villages of the turuf Sanklee, viz.

1. Kelilch.
2. Mendileh.
3. Holludeh.
4. Tanalee.

The three (3) following villages of the turuf Munnery, viz.

1. Mirvale.
2. Morula
3. Wadee.

The two (2) following villages of the turuf Hurlapoor, viz.

1. Nursapoor.
2. Vobulapoor.

The village Rokudkutty of the turuf Bunnoor.

The three (3) following villages of the kuryat Usoondee, viz.

1. Usoondee.
2. Kureekutty.
3. Koorwuncopp.

The fourteen (14) following villages of the kuryat Hoolee, viz.

1. Kusba Hoolee.
2. Cuplee.
3. Munikutty.
4. Belwunkee.
5. Kouzagerry.
6. Ruttigawad.
7. Udanoor.
8. Dadericopp.
9. Bingudakutty.
10. Konkancoozhutty.
11. Tooppudacoorhutty.
12. Yamgul.
13. Hooleekutty.
14. Sortoor.

Reg. VII. 1830. App. (A).

The three (3) following villages of the kuryat Ingulhully, viz.

1. Nulwudee.
2. Moollahully.
3. Sirgooppee.

The two (2) following villages of the kuryat Hebbly, viz.

1. Kusba Hebbly.
2. Sevully.

The three (3) following villages of the kuryat Udgul, viz.

1. Nippunhall.
2. Uluknoor.
3. Beerunhall.

The twenty (20) following villages of the kuryat Sholapoor, viz.

1. Kusba Sholapoor.
2. Naganoor.
3. Goodeecooppee.
4. Hurgapoor.
5. Kuruzgee.
6. Shendoor O'Rasing Boozoorg.
7. Shenkinhosoor.
8. Honnolee.
9. Konunkeree Pimpulgaon.
10. Kunagulla.
11. Hittnee.
12. Rasingkhoord.
13. Hudulageh.
14. Bhuhirapoor.
15. Sunkesswere.
16. Tuvdee.
17. Booktialoor.
18. Unklay.
19. Bakunhal.
20. Baur.

The nine (9) following villages of the kuryat Saongaon, viz.

1. Benodee.
2. Huddanal.
3. Muttiwad.
4. Ronganolee.
5. Soolgaon.
6. Bhatnagnoor.
7. Audee.
8. Suwadulga.
9. Hunchinhall.

The eighteen (18) following villages of the kuryat Laut, viz.

1. Chinchanee.
2. Jettrat.
3. Nahingalez.
4. Hoonurgee.
5. Sidunhal.
6. Yernal.

7. Pudlehal.
8. Lukhnapoor.
9. Guhwan.
10. Boodihall.
11. Kodanee.
12. Coorlee.
13. Uckole.
14. Muhumudapoor.
15. Booddulmookh.
16. Roomtolee.
17. Pangureh.
18. Girgaon.

The seven (7) following villages of the kuryat Naiz, viz.

1. Mowaz Chickoree.
2. Pett Chickoree.
3. Gulutgah.
4. Kothely.
5. Ummangee.
6. Naiz.
7. Koonnoor.

The thirteen (13) following villages of the kuryat Nesuree, viz.

1. Pett Duddee.
2. Auludhal.
3. Uttehal.
4. Ramewadee.
5. Bedurewadee.
6. Moduga.
7. Naganoor.
8. Khuvunewadee.
9. Shettihully.
10. Beelkee.
11. Sulamwadee.
12. Kote.
13. Dhondgutty.

The village Baganee of the kuryat Doodgoan.

The three (3) following villages of the turuf Havelee Beejapoor, viz.

1. Ookmunhal.
2. Kowlga.
3. Ahleabad.

The twenty-six (26) following villages of the tuppeh Chandgurh, viz.

1. Kusba Chandgurh.
2. Kodolee.
3. Bagulga Dookurwadee.
4. Sipoor.
5. Savurda.
6. Goolwuda.
7. Vagothurr.
8. Manugaon.
9. Kolendra.
10. Adoor.
11. Naundurida.
12. Ussgaon.
13. Soolye.
14. Humbera.
15. Khamdul.
16. Paurla.
17. Kokura.
18. Eesapoor.

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19. Konewadee.
20. Oomgaon.
21. Navga.
22. Pilnee.
23. Jambera.
24. Nuhurelee.
25. Bhogolee.
26. Kolendra.

The four (4) following villages of the prant Raibaug, viz.

1. Uckewat.
2. Nauguz.
3. Inglee.
4. Unkalee.

The twenty-eight (28) following villages of the prant Miritch, viz.

1. Huttanoor	Kuryat	Tauzgaon.
2. Coodchee	Do.	Mysal.
3. Chundoor		
4. Kusba Issapoor	Do.	Issapoor.
5. Chickul Gothun		
6. Nunbulkeh		
7. Bedug	Do.	Beduga.
8. Goondewadee		
9. Gourward	Do.	Sirhutty.
10. Aoorwad		
11. Tauklee		
12. Brumhanal	Do.	Sanglee.
13. Pudamaul		
14. Toong	Do.	Deguruz.
15. Hingungaon	Do.	Kaotah Mahunkaul.
16. Dhamnee	Do.	Havelee.
17. Vasumba	Do.	Kaotah.
18. Zurundee	Do.	Anjunee.
19. Kowluga	Do.	Sawurde.
20. Curolee	Do.	Desing.
21. Shipoor	Do.	Ainapoor.
22. Bekeree	Do.	Joogul.
23. Rajapoor		
24. Nundeekhoorlee		
25. Keroor		
26. Yedoor		
27. Kullholey		
28. Shahapoor		

The two (2) following villages, prant Kagul, viz.

1. Mauzurree. 2. Allasundeh.

The thirty-eight (38) following villages not belonging to any particular purgunna or other territorial division, viz.

1. Sounduty.
2. Cotewada.
3. Halkoosoogal.
4. Culkeree.
5. Mulligwad.
6. Moogulkhan Hoobly
7. Umrapoor.
8. Veerapoor.
9. Hundoor.
10. Tulwarcopp.
11. Marguncopp.
12. Kusmulgee.
13. Umbegapoor.
14. Beelamurree.
15. Hoolginhal.
16. Kearcopp.
17. Guzputty.
18. Gadeekopp.
19. Huttiholee Khoord
20. Alaguncopp.
21. Bogoor.
22. Dausticopp.
23. Hootikottul.
24. Budus.
25. Coockadolly.
26. Jeeknoor.
27. Devur Sigehully.
28. Ettagee.
29. Gundhigwad.
30. Toligee.
31. Kusba Hoockeree.
32. Pett Hoockeree.
33. Choolakee.
34. Goruvbal.
35. Kuggudhal.
36. Gorwunkolla.
37. Bussedonee.
38. Sindugee.

REGULATION XIV., A. D. 1830.

A Regulation for bringing under the operation of the Regulations, such portion of the Bombay Territory on the Mahabuleshwur Hills as has been ceded to the Honourable Company by his Highness the Rajah of Sattara:—passed by the Governor in Council at Bombay on the 31*st March*, 1830, *corresponding with the* 8*th of Chyter Sood Sumbut or Vikramajeet*

Reg. XIV. 1830.

Era, 1886, *Salbahan*, 1752, *Fusly*, 1237, *Soorsun*, 1230, *and 6th of Shaval*, 1245, *of the Hijree.*

Preamble.

WHEREAS by articles of agreement between the Honourable Company on the one part, and his Highness the Rajah of Sattara on the other, dated the 16th of May, 1829, cession, in full and perpetual sovereignty, has been made by his Highness of a certain tract of country on the Mahabuleshwur Hills, inclusive of the village of Paur, in the district of Jaolee, in exchange for the Honourable Company's village of Kandalla, in the district of Waee, in like manner made over to the Sattara State, and it being expedient to bring the territory so ceded to the Honourable Company under the Regulations, the following Rules are therefore enacted, to have effect from the date of promulgation.

The portion of the territory in the Mahabuleshwur Hills ceded to the Honourable Company by his Highness the Rajah of Sattara, inclusive of the village of Paur, brought under the operation of the Regulations.

SECTION I.—It is hereby enacted, that the general Regulations in force throughout the Bombay territories shall have effect in and over the said tract of country, comprising certain lands on the Mahabuleshwur Hills, the village of Paur (with the exception of the fort of Purtabghur and its established lands), and such part of the road, with a space of two hundred English yards on each side thereof, leading from the boundary of the aforesaid Cession to the top of the Paur Ghaut, as may not be within the limits of the aforesaid village of Paur, the extent, measurement and bearings which are particularized in the map and schedule annexed to the aforesaid treaty.

And annexed to the zilla of the Conkan.

SECTION II.—And be it further declared, that the aforesaid territory is hereby annexed to the zilla of the Conkan.

REGULATION II., A. D. 1834.

A Regulation for bringing under the operation of the Regulations, certain villages which have been ceded

to the Honourable Company by Angria Sirkeil, in exchange for other villages:—passed by the Right Honourable the Governor in Council of Bombay on the 5th day of March, 1834, *corresponding with the* 10*th Maha Vud Sumbut or Vikramajeet Era,* 1890, *Salevhan,* 1755, *Fusly,* 1243, *Soorsun,* 1234, *and* 23*rd Shaval,* 1249, *of the Hijree.*

Preamble.

WHEREAS by articles of agreement dated 31st December, 1833, between the Honourable Company on the one part, and Angria Sirkeil on the other, certain villages as hereinafter mentioned have been made over to the Honourable Company by Angria in full and perpetual sovereignty, in exchange for other villages as hereinafter named, and as it is necessary to bring the territory thus ceded to the Honourable Company under the Regulations now in force throughout the Bombay territories, the following Rules have therefore been enacted, to have effect from the date of promulgation.

The villages (specified in the Appendix) ceded to the Honourable Company by Angria brought under the operation of the Regulations.

SECTION I.—It is hereby enacted, that the general Regulations now in force throughout the Bombay territories shall have effect in and over the villages specified in Appendix (A) ceded to the Honourable Company by Angria Sirkeil, in exchange for those ceded by the Honourable Company to Angria Sirkeil, as specified in Appendix (B).

And annexed to the Zilla of Conkan.

SECTION II.—It is further declared, that the aforesaid villages received by the Honourable Company, are annexed to the Zilla of the Conkan.

APPENDIX (A).

The whole village of Moja Assood, Turf Jalgaum, Talooka Severndroog, Zilla Rutnaguree.

Half village of Moja Patamsaee, Turf Nagotana, Talooka Sanksea, Zilla Tannah.

Whole village of Moja Khanley, Turf Pen, Talooka Sanksea, Zilla Tannah.

APPENDIX (B.)

1. Village of Deeghatee . .
2. Ditto of Sau . . . .
3. Ditto of Kasarbhat . .
4. Ditto of Kelwaney . .
5. Ditto of Poonadey . .
6. Ditto of Rawey . . .

Names of the Khars.

1. Sau Khar . . . . .
2. Sukum Khar . . . .
3. Doobanee Khar . . .
4. Bhungaree Khoord Khar.
5. Tarbund Khar . . . .
6. Bhungaree Chakota Khar.
7. Antra Bamda Khar . .
8. Antra Boodrook Khar .
9. Bhundar Khar . . . .
10. Tullay Khar . . . .
11. Josu Khar . . . . .
12. Rawey Khar . . . .

} Turff Ourwulut, Talooka Panwell, Zilla Tannah.

REGULATION III., A.D. 1827.

A Regulation containing Provisions as to the official Proceedings in general of Courts of Civil Justice, their Sittings, the Mode of communicating with them, the Mode of keeping the Minutes of their Proceedings, the Sealing, Signing and Language of Process, and the Grant of Copies of Papers on their Records: passed by the Governor in Council on the 1st of January, 1827, corresponding with the 4th Poush Sood Sum-

but, or Vikramajeet Era, 1883, *Salbahan* 1748, *and 2nd Jummadyool Akhir,* 1242 *of the Hijree.*

Consisting of four (4) Chapters as below.

Chapter.	Title.	Section.
I.	Of the Sittings of Courts of Civil Justice and the Mode of communicating with them	I.
II.	Of the Minutes of Proceedings	IV.
III.	Of the Sealing, Signing and Language of Process ..	IX.
IV.	Of granting Copies of Papers	XII.

WHEREAS it is essential to the due and convenient administration of civil justice, that provision should be made for the sittings of courts, and for certain other matters connected with their official proceedings in general, the following Rules are therefore enacted to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose. Preamble.

CHAPTER I.

OF THE SITTINGS OF COURTS OF CIVIL JUSTICE, AND THE MODE OF COMMUNICATING WITH THEM.

SECTION I.—*Clause* 1st.—All courts of civil justice shall sit from day to day for the trial of causes and dispatch of business, unless notice of further adjournment has been given. Courts to sit from day to day, unless otherwise notified.

Clause 2nd.—But every court in which an European authority presides, or which may sit at the Sudder station, shall be closed on Sunday and on the days specified in Appendix (A), and shall not transact business, except in cases of urgency, which will not admit of delay. Exceptions enacted,

Clause 3rd.—All courts of civil justice are further authorized, provided however that the directions of the zilla judge shall regulate the practice of all subordinate courts, to adjourn over the holidays specified in Appendix (B) and such local holidays as may be au- And authorized.

Reg. III. 1827. Chap. I.

thorized by the judge in each zilla, with the sanction of the Sudder Adawlut, a list of which shall be kept constantly fixed up in a conspicuous part of the court room.

Regulation VI. of 1834, 1st Supplement, authorizes the Sudder Dewanee Adawlut to adjourn its own sittings, and to sanction the adjournment of subordinate courts, for a period not exceeding six weeks in each year.

All matters in suits to be conducted in open court.

Section II.—*Clause* 1*st.*—No judge of any of the courts shall hold communication regarding a suit or trial depending before him, or coming within his cognizance, or regarding any matter connected therewith, otherwise than in open court.

Exceptions in cases of emergency.

Clause 2*nd.*—But on occasions of sudden emergency, such as the fraudulent withdrawing of persons, or removal of property from the jurisdiction, wherein the ends of justice are likely to be defeated by the delay, the judge, though not in court, may receive applications in writing, and issue orders thereon, his proceedings being duly recorded at the next sitting of court.

Pleadings, applications, &c. to be presented by the parties.

Section III.—*Clause* 1*st.*—All pleadings and applications in any suit or civil proceeding shall, unless when the contrary is expressly enacted, be in writing, and shall be presented either by the party interested,

Or their recognized agents or pleaders.

or his recognized agent, or by a pleader appointed by either of them, in conformity with the Rules contained in Regulation II. of 1827, Section LI.: but it

The representatives of minors and insane persons being principals.

is hereby explained, that persons acting in behalf of parties who are under age, or insane, are to be considered as principals.

Recognized agent of a non-resident constituted by general vakalutnama,

Clause 2*nd.*—*First.* The recognized agents of parties from whom such pleadings and applications may be received are, 1st, persons holding general powers of attorney from parties not within the jurisdiction.

Or by trading in such non-resident's name, in regard to such trade.

Second. Persons carrying on trade in the name of parties not within the jurisdiction, such as monims, gomashtehs, &c. but in matters connected with such trade only.

Third. The head or managing gomashtehs of traders within the jurisdiction, but in matters connected with such trade only, and on filing a power of attorney for the particular occasion.

Head gomashtehs are agents for their employers in matters of trade, on filing a special vakalutnama.

Fourth. Persons being ex-officio, or otherwise, authorized to act for Government, in the matter to which the suit or proceeding relates.

Also authorized agents of Government for the special purpose.

And *Fifth.* Whenever any sovereign Prince, or an independent chieftain, whether residing within the British territories or elsewhere, may have occasion to prosecute or defend a suit in any court of civil judicature, but is unwilling to appear as plaintiff or defendant in such suit, it shall be competent to the Governor in Council to prosecute or defend it in his behalf, through the medium of any person specially appointed for the purpose by the authority of an order in Government.

In which way Princes and chieftains may be represented.

Clause 3rd.—When plaints, or arbitration papers, are received by a commissioner for transmission to the judge, as authorized by Regulation IV. of 1827, Section II., Clause 2nd, and Regulation VII. of 1827, Section VIII., Clause 3rd, the attendance either of parties or pleaders before the judge may be dispensed with, unless for good cause the judge shall otherwise direct.

When applications are forwarded by a commissioner, the party need not attend in court personally, or by vakeel.

Except in particular cases.

The Rules prescribed in this and Chapter IV. are in some respects, and under certain circumstances, relaxed as regards native officers and soldiers, by Regulation XV. of 1816, of the Bengal Code, (see Appendix to the Civil Branch), made applicable to the Bombay Presidency by Act XV. of 1845.

CHAPTER II.

OF THE MINUTES OF PROCEEDINGS.

All courts to keep minutes.

Section IV.—All courts of civil judicature shall keep minutes of their proceedings, in which the proceedings of each day shall be entered.

The Sudder Dewanee Adawlut in English.

Section V.—The minutes of the proceedings of the Sudder Dewanee Adawlut shall be in English, and

Reg III. 1827. Chap. II.

those of all other courts of civil justice in the language respectively of the country in which each court sits.

And other courts in the language of the country.

Act XII. of 1843 enacts, that the decisions of all courts of justice, and the reasons thereof, shall be written and signed by the judge at the time of pronouncing his decision in his vernacular language.

What officer to be employed in keeping the minutes of the several courts.

SECTION VI.—The minutes of the proceedings of the Suddur Dewanee Adawlut shall be kept by the register or assistant register; those of the courts of the zilla judge, senior assistant judge, and junior assistant judge, by the serishtadar of each court respectively; and those of the commissioner's courts by the commissioner, or such other person as he may employ.

Suits how referred to and recorded.

SECTION VII.—Each suit shall be referred to in the minutes of proceedings by its particular number on the file; and all pleadings or other written documents shall be numbered as they occur in the suit or other proceedings; those presented to the court being preserved at length on the record, and referred to by numbers in the minutes, and those issuing from the court, if not preserved at length as above specified, being entered at length on the minutes, which shall further contain a full exposition of the grounds of the decree.

And the minute books how arranged and authenticated.

SECTION VIII.—Each page of the minute book shall be numbered in regular order, and the proceedings of each day shall be subscribed in the Suddur Dewanee Adawlut by the register or his assistant, and in every other court by the judge of the court.

CHAPTER III.

OF THE SEALING, SIGNING, AND LANGUAGE OF PROCESS.

Signing and sealing of judicial process how regulated when issuing from the Sudder Dewanee Adawlut;

SECTION IX.—*Clause 1st.*—All ordinary process of the Suddur Dewanee Adawlut, such as summonses, notices, orders, proclamations, &c., shall issue under the seal of the court and the signature either of the

judge or judges of the court or of the register or assistant register; but all decrees, commissions, or other writings of an extraordinary nature, issuing from the Suddur Dewanee Adawlut, shall bear the seal of the court, and shall be signed by the judge or judges; and all processes whatever issued from the court of the zilla judge shall bear the seal of the court and the signature of the judge, or, in his absence, of one of his assistants.

the zilla court;

Clause 2nd.—All process, orders, and decrees of the court of an assistant judge shall bear the seal of the zilla court and the signature of the assistant judge.

the assistant judge's court;

Clause 3rd.—All process, orders, and decrees of the court of a commissioner shall bear his seal and signature.

or that of the commissioners.

SECTION X.—*Clause 1st.*—All process, orders, sentences, and decrees of any zilla or inferior court shall be in the language and character used in the court.

Language to be used in the process of the zilla and inferior courts;

Clause 2nd.—But the ordinary process of the Suddur Dewanee Adawlut shall be in the language and character used in the suit or proceeding to which such process relates.

and of the Sudder Dewanee Adawlut on ordinary

SECTION XI.—The provisions contained in the preceding Section shall not apply to orders, precepts, warrants, or other process addressed by the Suddur Dewanee Adawlut to a zilla judge, which shall be in English, nor to decrees of that court which shall also be in English, but shall have annexed to them a translation into the language used in the suit.

and special occasions.

CHAPTER IV.

OF GRANTING COPIES OF PAPERS.

SECTION XII.—*Clause 1st.*—Either party shall be entitled, on verbal application, to an authenticated copy of the decree, and, on application in writing, to an authenticated copy of any pleading, summons, order

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Authenticated copies of decrees to be obtained by parties on verbal, and of

of court, return, deposition, exhibit, and generally (with the exception of the court's minute book) of every document produced and used in a suit or other proceeding of a civil nature.

all other papers on written, application,

so far as they relate to the suit.

Clause 2nd.—But where an exhibit produced by one party contains matter not relating to the suit, the other party shall be entitled only to extracts of such parts thereof as do relate to the suit.

The stamped paper to be furnished by the applicant, a receipt being passed,

and the copy to be duly authenticated,

Clause 3rd.—The stamped paper required for the copy shall be furnished by the applicant at the time of application, and a receipt for the same, stating the period when the paper was furnished, shall be given by the proper officer: the copy shall be prepared by the officers of the court, and shall be authenticated either by the judge, or by some covenanted servant being an officer of the court; but in the court of a commissioner the copy shall be authenticated by the commissioner.

and delivered within ten days, or the delay explained.

Clause 4th.—Authenticated copies of papers shall always be furnished within ten days after application, unless further delay is unavoidable, in which case the cause thereof shall be stated on the minutes of proceedings.

Parties may make copies of papers, but without removing the originals, and they shall not be authenticated.

Clause 5th.—Parties shall be permitted, on application to the court, to make copies of papers for their own use, and at their own expense; but the original papers shall not be removed from the office of the record-keeper for the purpose, nor shall such copies be authenticated by any public officer.

Persons in general how enabled to procure copies of papers in court.

Section XIII.—Any person (not being a party) who is desirous of obtaining a copy of a paper in any suit, either pending or decided, shall make application to the Suddur Dewanee Adawlut, if the paper required is in that court, and in all other cases to the zilla judge, stating the object for which the copy is required, and the court shall either grant or refuse the application, as may seem just.

Vide Note at the end of Chapter I.

APPENDIX (A).

List of Days, besides Sundays, when Courts in which Europeans preside are closed.

1. New Year's Day . . . . 1st January.
1. Good Friday.
1. Nativity of Christ. . . . 25th December.
1. The Queen's Birth Day . 24th May.

APPENDIX (B).

List of General Holidays in which all Courts of Civil Justice may be closed.

Hindoo Holidays.

1. Narulee Poornim . . 15th Sharavan Sood.
1. Gunesh Chutoortee . 4th Bhadrapood Shood.
1. Dussera . . . . . 10th Ashwin Shood.
4. Dewallee. . 13, 14, and 15, of Ashwin Vud, and 1st Kartik Shood.
5. Holee . . 12, 13, 14, and 15, of Phalgoon Sood, and 1st of Phalgoon Vud.

Mussulman Holidays.

1. Mohurrum . . . . . 10th Mohurrum.
1. Conclusion of the Fast . . . 1st Shuval.
1. Eed Koorban . . . . . 10th of Zilheej.

REGULATION VI., A. D. 1834.

SUPPLEMENT I. TO REGULATION III. OF 1827.

A Regulation providing for the occasional Adjournment of the Courts of Civil Judicature under the Presidency of Bombay:—passed by the Governor General of India in Council on the 19th of August, 1834, corresponding with the 15th Sharavan Sood Sumbut or Vikramajeet Era, 1890, Salevahan, 1756, Fusley, 1244, Soorsun, 1235, and 13th Rubee-ul-akhur, 1250, of the Hijree.

Preamble. WHEREAS it has been found expedient for the general convenience of courts of civil judicature, as well as of

Reg. VI. 1834. Supp. I. to Reg. III. 1827.

the native officers, establishment and suitors attending them, that a continuous period of vacation should be provided for, in addition to the several holidays sanctioned by Section I., Regulation III. of 1827, whenever the same can be done with convenience to the public business, the following rules have accordingly been passed, to be in force from the date of promulgation.

The Sudder Dewanee Adawlut empowered to adjourn their own court, and to sanction the adjournment of subordinate courts for a period not exceeding six weeks in each year.

Section I.—In addition to the powers already vested in the Suddur Dewanee Adawlut, under Section I., Regulation III. of 1827, the judges of that court, when it shall be satisfied that no inconvenience will attend the same from arrear of business or other cause, are hereby empowered, at such time as may be most generally convenient, to adjourn their own court, and permit the civil courts under their jurisdiction to adjourn their respective courts for a period of six weeks in each year.

No adjournment to take place during the visit of the visiting judicial commissioner, nor during the circuit of session judges at the detached stations.

Section II.—Such adjournments shall however, in no instance, take place in any zilla during the period to which the tour of the judicial commissioners may extend, nor in regard to detached stations during the circuits of the session judges.

Notifications of adjournments to be published in the Government Gazette.

Section III.—Due notifications of all adjournments under this Regulation shall be made by the Suddur Dewanee Adawlut to the judicial secretary to Government, for the purpose of being published in the Government Gazette.

REGULATION IV., A. D. 1827.

A Regulation prescribing the Forms of Proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the Trial of the same:—passed by the Governor in Council on the 1st January, 1827,

corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era 1883, *Salbahán* 1748, *and 2nd Jumádyool Akhir* 1242, *of the Hijree.*

Consisting of twenty-three (23) Chapters, as below:

Chapter.	Title.	Section.
I.	Preliminary Explanations of the Effect of certain Terms when used in this Regulation	I.
II.	Of the Mode of instituting Suits	II.
III.	Of Process for summoning and arresting Defendants, and for sequestrating their Property	V.
IV.	Of the Continuation and Completion of the Pleadings	XII.
V.	Of withdrawing Suits	XVIII.
VI.	Of fixing the Time of Trial, of Defaults of Trial, and of the Law to be followed	XIX.
VII.	Of Exhibits	XXIX.
VIII.	Of Commissions for ascertaining Facts depending upon local circumstances	XXXI.
IX.	Of Witnesses	XXXII.
X.	Of Notice to be given to Coheirs interested in Suits, which have been instituted without their participation	XLVI.
XI.	Of Contempts	XLVIII.
XII.	Of Costs	LVII.
XIII.	Of enforcing Security Bonds taken in Suits ..	LIX.
XIV.	Of the Decree and its Enforcement	LX.
XV.	Of the Revision of original Decrees	LXXI.
XVI.	Of the Admission and Rejection of Appeals ..	LXXII.
XVII.	Of staying and executing Decrees under Appeal	LXXXI.
XVIII.	Of Procedure and Trial in Appeal	LXXXIII.
XIX.	Of the Decree in Appeal	XCIV.
XX.	Of the Revision of Decrees passed in Appeal.	XCVI.
XXI.	Of Applications to the Sudder Dewanee Adawlut in incidental Complaints	XCVII.
XXII.	Of Special Appeals	XCIX.
XXIII.	Of Appeals to the King in Council	C.

Preamble.

Whereas it is essential to the regular and effectual administration of justice that certain forms of proceeding should be observed in the courts of law in

receiving, trying and deciding civil suits and appeals, and in enforcing execution of the decrees that may be passed therein, the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

PRELIMINARY EXPLANATIONS OF THE EFFECT OF CERTAIN TERMS WHEN USED IN THIS REGULATION.

The terms "the judge" and "the court" in this Regulation how used.

SECTION I.—*Clause 1st.*—Whenever in this Regulation the term the "judge" is used absolutely, it shall be understood as applying to the zilla judge only, and whenever the term "the court" is used, it shall be understood as applying indifferently to the court of the judge and to any other subordinate court.

The functions of particular officers of courts how performed in courts not provided with those officers.

Clause 2nd.—And whenever in provisions applicable to all courts for the trial of original suits, the functions of officers, who are not attached to any court subordinate to that of the zilla, are prescribed, it is to be understood, in the absence of any specific enactment, that in the court of the district commissioner, where the attendance of these officers cannot be had, the form of duty prescribed is according to the nature of the case, and the general instructions of the zilla judge, either to be dispensed with, or to be executed by the commissioner, or some trustworthy person under his orders, or that, with the view of obtaining the services of the proper officer, a reference is to be made to the zilla judge, by whom the requisite measures will be directed.

CHAPTER II.

OF THE MODE OF INSTITUTING SUITS.

The Rules prescribed in this and succeeding Chapters are in some respects, and under certain circumstances, relaxed,

in regard to Native Officers and Soldiers, by Regulation XV. of 1816, Bengal Code (see Appendix to the Civil Branch), made applicable to the Bombay Presidency by Act XV. of 1845.

Section II.—*Clause* 1*st.*—All persons claiming redress by civil action shall institute a suit by means of a plaint in writing, which shall be presented either at the Sudder station, in the court of the zilla judge, or elsewhere in the court of a district commissioner.

Plaints to be presented at the Sudder station to the judge, and elsewhere to the commissioner.

Clause 2*nd.*—If the plaint presented to a district commissioner be beyond his jurisdiction, he shall, after noting on the back of it the period of its presentation, forward it forthwith to the zilla judge; if it be within his jurisdiction, he shall place it on his file and proceed to try the suit, unless the defendant at any time previously to delivering in his rejoinder, or in lieu thereof, should present a petition requiring it to be transferred to the zilla judge, in which case the commissioner shall immediately forward it, together with the defendant's petition, to the zilla judge.

Plaints presented to a commissioner when forwarded to the judge;

and when filed and tried by the commissioner;

or transferred to the judge.

Parties subject to the jurisdiction of a Jaghiredar, holding a Sunnud under Regulation XIII. of 1830, institute their suits in his court.

Act IX. of 1844 enacts, that all suits within the competency of a Principal Sudder Ameen or Sudder Ameen to decide shall be instituted ordinarily in the courts of these officers.

Section III.—*Clause* 1*st.*—The plaint shall state precisely the matter of complaint; if it be founded on a demand for money, its amount, if for other property, its value in money, calculating the same, when it shall consist of a periodical income, at the rate of ten years' purchase; if for damages on account of an injury sustained, the amount in money of the compensation claimed for such injury: it shall also specify the name of the person complained against, and his place of residence, if known, the time when the cause of action arose, and other particulars necessary to elucidate the question at issue.

Substance of the plaint.

*

*

Which must be signed by the plaintiff or his vakeel, a vakalutnama accompanying.

Clause 2nd.—The plaint shall be signed by the plaintiff, or by his recognized agent or authorized vakeel, and, when a vakalutnama is requisite under the Regulations, it shall accompany the plaint.

So much of this section as provides for the valuation of property at the rate of ten years' purchase is modified in respect to land paying revenue to Government, which is to be valued at the amount of the annual assessment.—Vide Regulation XII. of 1830, 2nd Supplement.

Plaints how numbered and dated;

Section IV.—*Clause 1st.*—The plaints shall be numbered and dated by indorsement in the order in which they are received, and such indorsement, if the plaint is filed at the Sudder station, shall be signed by the judge, or, under his direction, by one of the assistant judges; and, if it is filed by a district commissioner, the indorsement shall be signed by the commissioner himself.

and registered;

Clause 2nd.—The plaint after being so marked shall be entered in a register to be kept according to the form contained in Appendix (A.)

at the Sudder station and in the districts;

Clause 3rd.—This register shall be kept at the Sudder station by the serishtadar, and at the court of a district commissioner by the commissioner.

and when transmitted from the districts to the Sudder station.

Clause 4th.—The plaints transmitted by each commissioner shall, on the receipt of the requisite returns, which the commissioner may be ordered to furnish under Section XLIV., Regulation II. of 1827, be brought upon the register at the Sudder station in the order, as far as may be practicable, in which they were presented to the commissioner, and shall be numbered anew as their place in the register at the Sudder station may require.

Priority to depend upon the period of original presentation.

Clause 5th.—When any dispute arises regarding the priority of plaints, the question shall be decided according to the date of the original presentation, whether in the zilla court or in that of the commissioner.

CHAPTER III.

OF PROCESS FOR SUMMONING AND ARRESTING DEFENDANTS, AND FOR SEQUESTRATING THEIR PROPERTY.

Defendant how called upon to answer.

SECTION V.—*Clause* 1*st.*—When the plaint is filed, a summons shall issue directed to the defendant according to the form contained in Appendix (B), requiring the defendant to appear and answer to the complaint within a specified period, to be in no case less than one day, nor more that 25 days from the date of the serving of the summons; the summons shall be served personally upon the defendant, if he can be found.

Special mode when the defendant is a public officer in charge of a department.

Clause 2*nd.*—But if the suit be against a collector of the land revenue, or other officer in charge of the interests of Government in any department, or any assistant to such officer, the judge shall transmit a copy and English translation of the plaint to the Governor in Council for his consideration, and at the expiration of (90) ninety days from transmission, or at any earlier period when he may receive intimation from Government that it has decided not to grant to the plaintiff the redress sued for, the judge shall forward a copy of the plaint to the officer concerned in a blank cover bearing his address, and the delivery thereof shall be held to be of the same effect as the serving of a summons in other cases.

Serving of summonses on defendants, how performed and attendant expenses defrayed.

Clause 3*rd.*—Defendants shall be summoned in the same manner, and the attendant expenses shall be calculated and defrayed in the same manner as is prescribed regarding witnesses in Section XXXII., Clause 3, of this Regulation.

If the defendant cannot be found public notice to be given,

SECTION VI.—*Clause* 1*st.*—If the defendant, after diligent search, cannot be found, a return to that effect shall be made, on receipt of which an order shall be issued according to the form contained in Appendix (C),

directing a copy of the summons to be stuck up in some conspicuous part of the court, with a notice, according to the form contained in Apprendix (D), requiring the defendant to appear.

and a copy of the summons to be delivered to his family or fixed up at his place of residence.

Clause 2nd.—The court shall likewise order a copy of the summons and of the notice to be delivered to some person belonging to the defendant's family, and residing with him, or, if none such is found, to be fixed upon the outer door of the house, or in some conspicuous part of the village or other place in which the defendant has generally resided; the attendant expenses being calculated and defrayed in the same manner as the expenses of serving summonses.

The defendant to be allowed at least fifteen days.

Clause 3rd.—The time assigned in the notice for the defendant to appear shall not be less than fifteen days from the date of such notice.

At the expiration of the period granted the nazir to make his return.

Clause 4th.—The nazir, on the expiration of the period, or the appearance of the defendant, shall return the order with an indorsement, stating at what times and places and in what manner it was executed.

The plaintiff may make application that the defendant's security for his appearance be taken.

Section VII.—*Clause 1st.*—If a plaintiff (or his vakeel acting on his behalf), at any time before the passing of the decree, has reason to believe that the defendant intends to leave the jurisdiction, so as to prevent the execution of the decree, he may present an application in writing to the court to demand security for the appearance of the defendant.

Application how to be made.

Clause 2nd.—The application shall specify the applicant's belief that it is the defendant's intention to leave the jurisdiction, and the grounds of such belief.

Under certain circumstances the court may take the defendant's security,

Clause 3rd.—The court may, at its discretion, cause the applicant to verify his application on oath, and, if after the investigation made it shall be of opinion that the defendant actually intends leaving the jurisdiction, shall issue a warrant (according to the form contained in Appendix (E)) to the nazir, enjoining him to bring

the defendant before the court, unless he furnish security (according to the form contained in Appendix (F)) to the extent specified in the said order for his appearance to fulfil the decree in the suit, the security undertaking, in default of such appearance, to fulfil in his place whatever order or decree may be passed in the suit.

but shall accept an adequate deposit in lieu thereof.

Clause 4*th.*—Should a defendant, when brought before the court, offer in lieu of security for appearance to deposit a sum of money or other valuable property evidently sufficient to answer the claim against him, with the costs of the suit, it shall be competent to the court to accept such deposit, which shall be subject to the rules provided in Section VIII., Clauses 6, 7 and 8, on the subject of property sequestrated before judgment.

Securities, if they do not deliver up the defendant, are answerable for his appearance until the execution of the decree.

Clause 5*th.*—The securities for the personal appearance of the defendant may at any time relieve themselves from their engagements as sureties by delivering up the person of the defendant to the court, but they shall otherwise be held to be responsible for the appearance of the defendant until the decree has been fully executed.

A defendant not furnishing security shall be imprisoned; the suit being heard as soon as possible.

Clause 6*th.*—In the event of the defendant neither furnishing security nor offering a sufficient deposit, he shall be committed to custody until the decree shall have been passed; but in all such cases the suit, upon application of the defendant, may be heard and determined as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

In the districts he may be detained at the commissioner's kuchery, unless he is insecure there or prefers being sent to the Sudder station.

Clause 7*th.*—A district commissioner may detain at his kuchery a defendant who has failed when called upon to furnish security; but if there should be any doubt of his safe custody, or if the defendant should himself desire his removal, he shall forward him to the Sudder station for detention: the suit shall at the same

time be transmitted to the judge, and notice thereof shall be given to the plaintiff.

Defendants in gaol to be subsisted by the plaintiffs, who shall not recover their expenses.

Clause 8*th.*—A defendant in custody at the instance of a plaintiff shall be subsisted in the same way and under the same rules as a debtor on whom judgment has been passed, except that the amount of the subsistence money shall not be repaid to the plaintiff; and it is hereby explained, that the period of a defendant's imprisonment before judgment shall not be deducted from that to which he may become liable in execution of the decree.

The imprisonment also shall not operate in favour of the defendant.

In certain cases the plaintiff may apply for the defendant's security to keep at disposal of the court property for the satisfaction of the decree.

Section VIII.—*Clause* 1*st.*—If a plaintiff or his authorized vakeel, at any time before the passing of the decree, has reason to believe that the defendant intends clandestinely to dispose of his property or any part thereof, or to remove any such property from the jurisdiction, by which means the execution of the decree will be obstructed, he may make application that the defendant be called upon to furnish sufficient security to produce the said property or a part thereof sufficient to fulfil the decree when required, or otherwise that the court do hold it under sequestration until the decree has been passed and executed.

Application to whom to be made.

Clause 2*nd.*—The application may be made to the zilla judge in all cases, and to an assistant judge in case the suit is in his court for trial, but may not be preferred to a commissioner.

How to be made and what to contain.

Clause 3*rd.*—The application shall be on oath, and shall specify the amount or value sued for, the property required to be sequestered, the supposed value of each article thereof, and the applicant's belief that the defendant intends so to dispose of or remove it.

In certain cases the security may be demanded;

Clause 4*th.*—If on investigation the judge or assistant judge, as the case may be, shall be fully satisfied that the defendant intends to dispose of or remove his property so as to obstruct the execution of the decree,

he shall, on the plaintiff in person or by vakeel passing a bond rendering himself liable in such sum as may be judged adequate for all unnecessary injury arising from the sequestration before judgment, in consequence of his demand being eventually disallowed, either wholly or in part, issue to the nazir or other person who may be charged with the duties, an order, according to the form contained in Appendix (G), commanding him to require security from the defendant, according to the form contained in Appendix (H), in such sum as the order may specify, to produce and place at the court's disposal when required the said property, or a portion thereof sufficient to fulfil the decree.

the plaintiff rendering himself liable for all needless hardships and expenses.

Clause 5th.—The order shall further command, that if such security is not furnished forthwith, or within such time as the order may direct, the nazir shall attach and keep under sequestration, until further order, the property therein specified, or a part thereof, sufficient to fulfil the decree.

If security demanded is not furnished, property to be attached and sequestrated.

Clause 6th.—Whenever property is taken possession of by the nazir under an order of court, by virtue of the provisions of the preceding clause, the judge, if he deems it conducive to the advantage of the persons who may eventually have an interest in the property, shall appoint a person to manage it until further order of court.

Managers may be appointed for sequestrated property

Clause 7th.—But in such cases the manager so appointed shall give security in such sum as the judge may direct for the faithful discharge of his trust, and for delivering up the property when required by the court, with a full account of his receipts and disbursements, and with such profits as may have accrued during the period of his management.

upon their furnishing security:

Clause 8th.—And at the expiration of his trust, the judge, if applied to, shall award such sum as he may

and may eventually be duly remunerated.

deem a just remuneration for his trouble, but subject to modification by the Suddur Dewanee Adawlut on the complaint of any person interested.

Immoveable property may, instead of being seized, be declared inalienable by proclamation,

Clause 9th.—It shall be in the option of the court, if such measure shall appear to be adequate to the ends of justice, to direct the nazir, in lieu of assuming possession of immoveable property, to give public notice by proclamation (according to the form contained in Appendix (I)) prohibiting all persons from receiving by purchase, gift, mortgage or otherwise, such immoveable property to the injury of the plaintiff.

to be made in the most effectual way.

Clause 10th. — The proclamation shall be read aloud in the most public part of the town or village within the limits of which the property is situated; and copies thereof shall be fixed up in a conspicuous part of the zilla court, in the collector's kuchery, in the public market of the town or village, and in such other places as the order may direct.

No subsequent transaction to affect the plaintiff's claim.

Clause 11th.—No purchase, gift, mortgage or other transfer, made after such proclamation, shall be effectual to alienate the property, or any part thereof, to the injury of the plaintiff.

Sequestration may be removed when security is furnished;

Section IX.—*Clause 1st.*—In all cases of sequestration before judgment, the authority who passed the order for the sequestration shall at any time remove the same on the defendant's furnishing security as above required.

and the suit shall be heard and decided as soon as possible.

Clause 2nd.—And the suit, upon application of the defendant, may be heard and determined, after the pleadings are completed, as soon as circumstances will permit, without regard to the order in which it may stand upon the file.

Compensation may be decreed for needless sequestration.

Section X.—If, on the subsequent trial of the suit, it shall be discovered that the sequestration was applied for on insufficient grounds, or if the plaintiff's claim is disallowed either wholly or in part, the court shall

(unless the defendant shall in preference seek redress by a civil action for damages) award against the plaintiff in its decree the whole of the amount specified in his penalty bond, or such part thereof as it may deem a reasonable compensation to the defendant for the expense or injury causelessly occasioned to him by the plaintiff; and further, where the sequestration shall appear to have been applied for wantonly or vexatiously, it shall be competent to the court to impose a fine on the plaintiff upon the principle of the rules contained in Sections LIII. and LIV. of this Regulation.

Sequestration no bar to the rights of persons not concerned, nor to the sale of property under a decree,

Section XI.—*Clause* 1*st.*—Sequestrations before judgment shall not injure the rights of persons not parties to the suit, nor bar a creditor having a decree against the defendant from attaching the property under sequestration.

unless other property is pointed out for sale.

Clause 2nd.—But if the party at whose instance the property was sequestrated points out other property of the defendant unattached, the creditor shall be bound in the first instance to attach and sell such property in execution of his decree before selling the property under sequestration.

CHAPTER IV.

OF THE CONTINUATION AND COMPLETION OF THE PLEADINGS.

Defendant appearing may require the plaintiff's security if the plaintiff does not reside within the zilla;

Section XII.—If the defendant appears and represents to the court that the plaintiff does not reside within the zilla, the court, on being satisfied of the fact, shall require the plaintiff to find security by the bond of some responsible person residing within the zilla (according to the form contained in Appendix (J)) that he will pay all costs that may be awarded against him, and obey all orders of court that may be passed both in the original trial of the

and defendant need not answer until such security is given.

suit and on appeal, and until such security bond is filed, of which notice shall be given to the defendant, he shall not be bound to answer.

Defendant's answer when to be filed and what to contain.

Section XIII.—As soon as a defendant appears, he shall have access to the plaint for the purpose of providing himself with a copy thereof and of any papers by which it may be accompanied, and he shall file a written answer, containing the whole of the grounds of his defence, within eight days after he has been allowed access to the plaint, or if the plaintiff has been called upon to furnish security under the provisions of the preceding section, within eight days after receiving notice from the court that the plaintiff's security bond has been filed.

To be shown to the plaintiff and the suit set down for hearing,

Section XIV.—*Clause* 1*st*.—When the answer is filed, the plaintiff shall have access to it for the purpose of providing himself with a copy thereof and of any papers by which it may be accompanied, and the suit shall then be considered as completed, and shall be set down for hearing, unless the plaintiff should verbally apply to the court for leave to file a reply, and such reply, if the court should allow it to be made, shall be filed by the plaintiff within three days after he has been allowed access to the answer.

unless the plaintiff should wish to file a reply;

such reply when to be made.

Its substance.

Clause 2*nd*.—The reply shall simply acknowledge the truth of the answer, or deny, either wholly or in part, the assertions contained in it, offering such explanations as may be necessary; but the plaintiff shall not be permitted to introduce in his reply any new matter that may not be required to explain facts stated for the first time in the defendant's answer.

Defendant's rejoinder when to be filed.

Section XV.—*Clause* 1*st*.—When the reply is filed, the defendant shall be allowed access to it for the purposes of providing himself with a copy thereof and of any papers by which it may be accompanied; and if he have any rejoinder to make, he shall file the same

in writing within three days after he has been allowed access to the reply.

Its substance.

Clause 2nd.—The rejoinder shall be subject to the same rules as the reply in regard to its contents; and when it is filed, the plaintiff shall have access to it for the purpose of providing himself with a copy of it and of any papers by which it may be accompanied.

Defendants in the same suit may plead separately.

Section XVI.—When there are two or more defendants in the same suit, they shall have the option of entering their pleadings separately.

Parties may decline to file pleadings,

Section XVII.—*Clause 1st.*—Either party in a suit may waive his right of filing any of the pleadings mentioned in this Chapter without prejudice to the progress of the suit.

and the court for good cause may admit supplemental pleadings.

Clause 2nd.—And if either of the parties shall have omitted to state in the regular pleadings any thing of material importance to his interest in the suit, it shall be competent to the court to admit of supplemental pleadings at its discretion, and to fix the respective periods for the filing of the same.

CHAPTER V.

OF WITHDRAWING SUITS.

The plaintiff may withdraw his suit, but he becomes liable for costs.

Section XVIII.—*Clause 1st.*—It shall be competent to the plaintiff at any stage of a suit to withdraw the complaint, by filing an acquittance in writing (Razeenama) in which case he shall become liable for the costs of both parties.

The defendant may sue him for damages,

Clause 2nd.—Such acquittance shall not bar any action for damages competent to the defendant, nor prejudice his rights in any respect.

and the court may fine him if his suit was groundless or vexatious.

Clause 3rd.—Nor shall it bar the court from imposing a fine upon the plaintiff in conformity with the rules contained in Sections LIII. and LIV. of this Regulation.

CHAPTER VI.

OF FIXING THE TIME OF TRIAL, OF DEFAULTS OF TRIAL, AND OF THE LAW TO BE FOLLOWED.

Vide Note at the head of Chapter II.

A suit to be declared ready for hearing if the defendant fails to appear at the time fixed,

Section XIX.—*Clause* 1*st.*—The court shall cause a suit to be set down for hearing, if a defendant, who has been duly summoned, does not appear either personally or by vakeel at the time fixed.

or if the pleadings are completed or not duly filed, without good cause shown.

Clause 2*nd.*—Or if the pleadings are completed, or either party neglects to file any of these pleadings at the time fixed, and the court sees no good cause for granting a longer period; provided however that it shall be competent to the court to receive any pleading after the time fixed for its being filed, even if the suit shall have been set down for hearing, upon sufficient cause being shown for the delay.

Order of trial.

Section XX.—*Clause* 1*st.*—The suit set down for hearing shall be tried in the order in which they were filed, except when the court on application from either party or otherwise may think proper for special reason to deviate from such order.

Eight days' notice to be given to the parties, unless they wish it otherwise.

Clause 2*nd.*—The time for the commencement of the trial of a suit shall be appointed by the court, and verbal intimation thereof shall be given to the party or parties in attendance either personally or by vakeel; the time of trial shall not be less than eight days after such intimation, except with the expressed consent of both parties.

Lists of suits appointed for trial to be fixed up in the court.

Clause 3*rd.*—The serishtadar, or in the court of a commissioner the commissioner, shall from time to time make lists of the suits, for the trial of which a day has been appointed, which shall be fixed up in some conspicuous part of the court room at least seven days before the trial of such suit.

If the plaintiff

Section XXI.—*Clause* 1*st.*—If at the time fixed

for the commencement of the trial the plaintiff fails to appear, the court shall strike the suit off the file, and, on application to that effect by the defendant, shall pass an order rendering the plaintiff liable for the defendant's expenses in the suit, which order shall be enforced in the same manner as a decree.

if the plaintiff is absent the suit may be struck off, and payment of the defendant's expenses ordered and enforced;

Clause 2nd.—A suit struck off the file may be replaced, provided the plaintiff shall within ten days make a written application to that effect to the court by which it was to have been tried, and show just and reasonable cause to the court's satisfaction for the default which was made.

but a suit struck off may under certain circumstances be replaced:

Clause 3rd.—If the application be rejected, a further application may be made to the court to which an appeal in the suit would be competent, and the order of such court shall be final; but such application, if to the zilla judge, shall be made within ten days, and if to the Sudder Dewanee Adawlut, within forty-five days from the date of the rejection of the application by the lower court.

if the application to replace it be rejected, an appeal may be made against such order of rejection.

Clause 4th.—When a suit is struck off the file the plaintiff shall be at liberty to file a new suit upon the same grounds of action, and the date of the last proceeding, by which the order striking the former suit off the file was rendered final, shall be reckoned as the date on which the suit was struck off.

When a suit is struck off a new action may be filed.

Section XXII.—*Clause 1st.*—If at the time fixed for the commencement of the trial the plaintiff appears, and the defendant is absent, the court, unless it should see good cause for allowing of further delay, shall, after investigating the cause of plaintiff, and examining his exhibits and witnesses, pass judgment according to the proof adduced by the plaintiff.

If the plaintiff only appears the suit to be tried exparte,

Clause 2nd.—In such cases it shall be competent to the court, if it sees cause, to receive the oath of the plaintiff as evidence in support of the allegations contained in the plaint.

and the court may take the plaintiff's oath.

Reg. IV. 1827. Chap. VI.

When both parties appear the grounds of the suit to be clearly ascertained,

SECTION XXIII.—*Clause 1st.*—When both parties appear at the time of trial, the court shall cause the pleadings to be read, and, if the points at issue are not therein clearly described, or from any other cause, further explanations may be requisite, the court shall make such inquiries from the parties as may appear necessary with a view to ascertain the precise object of the action, and the grounds on which it is maintained, and shall record the result on its proceedings.

and the evidence adduced received and weighed.

Clause 2nd.—The points to be established by the parties respectively having thus been defined and ascertained, the court shall proceed to receive and weigh the evidence adduced.

Courts in which Europeans preside may derive assistance from respectable natives by employing them as a punchaet,

SECTION XXIV.—*Clause 1st.*—In the trial of suits it shall be competent to every court, in which an European authority presides, to avail itself of the assistance of respectable natives in either of the three following ways: *First*, by referring the suit or any point or points in the same to a punchaet of such persons, who will carry on their inquiries apart from the court, and report to it the result; the reference to the punchaet and its answer shall be in writing, and shall be filed in the suit.

or as assessors,

Clause 2nd.—Or, *Second*, by constituting two or more such persons assessors or members of the court, with a view to the advantages derivable from their observations, particularly in the examination of witnesses: the opinion of each assessor shall be given separately and discussed, and, if any of the assessors or the authority presiding in the court should desire it, the opinions of the assessors shall be recorded in writing in the suit:

or more nearly as a jury,

Clause 3rd.—Or, *Third*, by employing them more nearly as a jury: they will then attend during the trial of the suit, will suggest as it proceeds such points of inquiry as occur to them, the court, if no objection exists, using every endeavour to procure the required

information, and after consultation will deliver in their opinion.

but without controlling the court's decision.

Clause 4*th*.—It is to be clearly understood, that under all the modes of procedure described in the three preceding clauses, the decision is vested exclusively in the authority presiding in the court.

When a decree has been passed there can be no further trial.

Section XXV.—When judgment has been given in a suit either for the plaintiff or the defendant, no new suit upon the same grounds of action shall be competent, and the suit shall be further heard only by way of appeal or review under the rules prescribed by the Regulations.

The law to be followed by the courts to be acts of parliament, regulations of government, custom of the country, law of the defendant, and justice.

Section XXVI.—The law to be observed in the trial of suits shall be acts of parliament and regulations of government applicable to the case; in the absence of such acts and regulations, the usage of the country in which the suit arose; if none such appears, the law of the defendant, and in the absence of specific law and usage, justice, equity and good conscience alone.

Hindoo and Mohumudan law how ascertained:

Section XXVII.—*Clause* 1*st*.—When in any matter depending on the peculiarities of Hindoo or Mohumudan law a doubt arises regarding such law, the court in aid of its judgment shall consult the officer or officers appointed to expound those laws respectively, in the manner prescribed in Regulation II. of 1827, Section XIII., Clause 3rd.

other laws how ascertained.

Clause 2*nd*.—When in any matter depending on the peculiarities of any other law, or of a rule or usage of a sect or caste, a doubt arises regarding such law, rule or usage, the court shall ascertain the same by examining persons versed in such law, or the heads of such sect or caste or other well-informed persons.

At the request of the opponent the court may take the oath of either party, and

Section XXVIII.—*Clause* 1*st*.—If one of the parties should refer the truth of the whole matter in dispute, or of any item in the same, or of any material

fact, to the oath of the other party, the judgment of the court shall be governed by the oath of such party, if he consent to take the oath, whether admitting or denying the matter so referred to him.

such oath shall be conclusive,

Clause 2nd.—If each party refer the same matter to the oath of the other, the court shall decide to which of them the oath is to be first tendered.

the court deciding in case of dispute to whom it shall be first tendered.

CHAPTER VII.

OF EXHIBITS.

The court to inspect all exhibits produced, but to reject such as are inadmissible.

Section XXIX.—*Clause 1st.*—All exhibits produced by the parties shall be received and inspected by the court, but it shall be competent to the court, after inspection, to reject any exhibit, which it may pronounce to be irrelevant, or on other grounds inadmissible.

Returning them to the party who produced them.

Clause 2nd.—When an exhibit is rejected, it shall be indorsed with the number and title of the suit, the name of the party producing it, and the word "rejected," which indorsement shall be subscribed by the court, and the exhibit shall be returned to the party who produced it.

When the time for appealing has elapsed exhibits to be restored, unless good reasons exist to the contrary.

Section XXX.—*Clause 1st.*—When the time limited for appealing has elapsed, either party shall be entitled on application to receive back any exhibit produced by him in the suit, unless the further use of such exhibit has been superseded by the terms of the decree, or the court has directed it to be detained for purposes of public justice, as on suspicion of forgery.

Exhibits may be restored at any time for good reasons,

Clause 2nd.—But any exhibit may be restored before such time has elapsed, by order of the zilla judge granted for special reasons.

a copy being retained,

Clause 3rd.—Whenever any exhibit is restored, a copy, authenticated by the senior assistant judge, or other covenanted servant being an officer of court, shall be substituted for it in the suit, and a receipt be

granted by the party receiving it, either on the margin of the minutes of proceedings where the filing of the exhibit is entered, or in a separate receipt book to be kept for the purpose. Reg. IV. 1827. Chap. VII. and the party's receipt taken.

CHAPTER VIII.

OF COMMISSIONS FOR ASCERTAINING FACTS DEPENDING UPON LOCAL CIRCUMSTANCES.

SECTION XXXI.—*Clause* 1*st.*—When a question depending on local circumstances, such as the boundaries or extent of lands, or the direction of water courses, occurs in a suit, the judge may by an order of court commission an assistant judge, one or more commissioners, district or village officers, or any other fit person or persons, to repair to the spot and make the necessary investigation. Under certain circumstances the court may direct a local investigation by a commissione

Clause 2*nd* —The commissioner shall carefully inspect the lands, water courses, or other subject in dispute, and, if so directed, shall also take on the spot the depositions of the requisite witnesses, after which he shall make a report of his proceedings to the court in writing, with his opinion on the matters committed to his investigation, accompanying such report with the depositions of witnesses, if any have been taken. who shall mak personal inspec tion, and report his proceedings,

Clause 3*rd.*—The commissioner, if not a sworn officer of court, shall depose on oath before the judge, or other person having authority to administer an oath, that his report has been truly and honestly made, which oath shall be subjoined or annexed to his report. and if not a sworn officer shall take an oath.

Clause 4*th.*—Both parties shall have notice to enable them to attend the commission during the investigation. The parties to attend at the investigation,

Clause 5*th.*—When a person has been employed in a local investigation under a special commission, the judge, if applied to by him, may award such sum for his trouble as he may deem reasonable. at the conclusion of which the commissioner may be remunerated.

CHAPTER IX.

OF WITNESSES.

Each party to produce his witnesses,

SECTION XXXII.—*Clause* 1*st.*—If either of the parties is desirous of examining a witness, he shall bring such witness into court on the day of trial.

or to apply in time to the court which will issue a summons;

Clause 2*nd.*—But if he requires the assistance of the court to procure the attendance of a witness, he shall apply in due time to the court, which shall issue a summons (according to the form contained in Appendix (K)) requiring him to attend.

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to be served by a peon, whose expenses shall be duly regulated,

Clause 3*rd.*—The summons shall be served by a badged peon, and the nazir's return indorsed upon the summons shall specify the name of the peon who served it, the date when it was served, and the charges of serving it; the charges shall be calculated according to the customary rate of travelling charges in the country, but shall in no case exceed four annas per day, and the day's journey shall in no case be reckoned at less than ten miles; the amount shall be included in the costs of suit, but shall be defrayed in the first instance by the party at whose application the summons was issued, and shall be levied, if necessary, in the same manner as witness's expenses.

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and shall be included in the costs, but shall be paid in the first instance by the party requiring the summons.

The court may in certain cases substitute a sealed letter, which shall be equivalent to a summons.

Clause 4*th.*—Nothing contained in Clauses 2nd and 3rd of this section shall be construed to prevent the court from substituting for a summons a sealed letter, when the person whose presence is required is of a rank or class in society which may seem to entitle him to such mark of consideration: in such case the letter shall be deemed a summons, and a copy thereof shall be preserved in the suit, and shall bear the nazir's indorsement.

A witness not attending on a summons

Clause 5*th.*—If a witness on whom a summons has been served shall not appear at the time therein appointed, the court, if applied to verbally by the party

at whose instance he was summoned, may, according to the circumstances of the case, proceed to obtain his evidence without his attendance in court, or issue a second summons, or direct the nazir by warrant (in the form contained in Appendix (L)) to apprehend the witness and bring him before the court.

may be summoned again or arrested.

SECTION XXXIII.—*Clause* 1*st.*—All persons shall be competent witnesses who have arrived at years of discretion, and are of sane mind.

All persons competent witnesses except insane persons and minors;

Clause 2*nd.*—But either party may object to the examination of a witness on the ground *of his having been convicted of a crime rendering him unworthy of credit*, of his being related to the other party, of his being at violent enmity with the party objecting, or of his being interested in the event of the suit; and the objection, if the fact alleged is admitted to be true, or is otherwise substantiated, shall be entered in the minutes of proceedings; but the court may notwithstanding receive the evidence of such witness, if it shall seem conducive to the ends of justice.

but objections to the examination may be made;

and if substantiated, shall be recorded, though the examination may, if requisite, proceed.

Act No. XIX. of 1837 enacts, that no person whatever shall by reason of any conviction for any offence be incompetent to be a witness.

SECTION XXXIV.—*Clause* 1*st.*—Before a witness gives evidence, the court shall admonish him in the following or similar words: "*Be careful that you tell to the court the whole truth and nothing but the truth in the matters on which you are now to be examined, or otherwise you will be liable to punishment as a false witness.*"

A witness before examination shall be admonished.

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Clause 2*nd.*—A witness who, after being so admonished, wilfully gives false evidence before the court, shall he deemed to have committed perjury, and shall be liable to punishment accordingly.

and if he gives false evidence will be punished as for perjury;

Clause 3*rd.*—It shall always be competent to the court, if it deems it expedient, to cause to be adminis-

but the court may administer any oath which it deems fit.

tered to a witness such oath as may be considered most binding on his conscience.

A perjury witness to be proceeded against criminally.

Clause 4th.—If it appears to the court that a witness in giving his evidence has committed perjury, it shall transfer him (with all relevant evidence) to the criminal judge to be dealt with according to law.

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Act V. of 1840 substitutes a form of solemn affirmation for oaths or declarations in the case of persons of the Hindoo or Mohumudan persuasion.

Witnesses to be examined by the parties and the court,

Section XXXV.—*Clause 1st.*—When a witness has been judicially admonished or sworn, he shall be examined by the parties and the court in such order as the court may direct.

which shall prevent improper questions.

Clause 2nd.—It shall be the duty of the court to prevent any question being put which it may consider as irrelevant, as leading the witness, or as otherwise objectionable.

The deposition to be signed by the witness and the court, and to be in the language of the court,

Section XXXVI.—*Clause 1st.*—The deposition of each witness shall be taken down in writing by the serishtadar or other officer of court in the language and character used in the court, and when completed it shall be signed by the witness with his name or mark, and shall be authenticated by the court.

if known to the witness, otherwise the language best known to him, if possible, to be used.

Clause 2nd.—But if the language used in the court is not familiarly known to the witness, his deposition shall be taken in the language best known to him for which an interpreter can be found.

If the parties desire it, the evidence need not be taken down;

Section XXXVII.—If both parties in a suit should express in writing such to be their wish, the recording of the evidence and proceedings at length shall be dispensed with, and the court's notes alone shall be

and on appeal, the court's notes must be deemed conclusive.

preserved; if a suit so tried be appealed, the said notes shall be held to be the record of the suit, and the facts therein recorded shall be deemed to be determined, the appeal being admitted only (so far as such facts are concerned) on the deductions drawn from them.

SECTION XXXVIII.—If a witness whose evidence is required by either party is about to leave the zilla before the time of trial, or if other good and sufficient cause should be urged, the court, on application of the party requiring his evidence, and on being satisfied of the fact alleged, may examine such witness before the trial, notice of the time appointed for the examination being previously given to the parties.

A witness may for good reason be examined before the trial,

both parties receiving intimation.

SECTION XXXIX.—*Clause* 1*st.*—If a witness from sickness or other infirmity is unable to attend in court, or if a female witness is of a rank and caste which would render it improper to compel her to appear in public, the court, if it deems the examination of such witness material to the cause, shall appoint one or more persons by a special commission to take her evidence; the court may in like manner at its discretion obtain the evidence of a man of rank without enforcing his attendance in court.

A witness may be examined out of court if unable to attend;

or if a female who is precluded from appearing in public,

or a man of rank if the court see fit;

Clause 2*nd.*—It is further provided, that a female witness examined under the preceding clause may remain veiled or out of view during her examination, the commissioner having satisfied himself, if necessary, by employing females or other unexceptionable persons, of her identity.

a female may further remain veiled or concealed,

her identity being ascertained.

Vide note I on Section XL.

SECTION XL.—*Clause* 1*st.*—*If a witness whose evidence is material to the cause resides within the jurisdiction of another zilla court under the Presidency of Bombay, or in the island of Bombay, the judge shall, by a letter signed by himself and sealed with the seal of the court, request, in the former instance to the judge in whose jurisdiction the witness resides, and in the latter instance a magistrate of police, to examine such witness.*

A witness out of the zilla to be examined by the judicial authority of the place where he resides, if within the Bombay territories.

Clause 2*nd.*—*But if such witness resides at any place beyond the territories subordinate to the Presidency of Bombay, the judge shall prepare a commis-*

If not, Government to procure his evidence, or not, as may seem expedient.

sion addressed to any person whom he may appoint, and shall forward it to the judicial secretary with a request that the Government will cause it to be transmitted to the commissioner, in order that the evidence may be obtained, and the Government will comply with, or refuse the application, as it may deem expedient.

I. Act No. VII. of 1841 repeals all Regulations and parts of Regulations for taking the examination of absent witnesses, and substitutes an improved and more uniform process.

II. Act No. XXIII. of 1840 provides for the executing, within the local limits of her Majesty's courts, legal process issued by authorities in the Mofussil.

A commissioner to proceed himself to witnesses who cannot attend, if the place be near, and within the zilla; otherwise to report to the judge.

SECTION XLI.—*When any of the cases specified in Section XXXIX., Clause 1st, occurs in a suit before a native commissioner, he shall, if the witness resides at a convenient distance, and within the zilla, proceed to the spot, and take the evidence in person; but if the distance is such as to cause a material interruption to his business, or if the witness resides beyond the zilla, the commissioner shall report the case to the judge, who will, if it appears requisite, proceed as in similar cases arising in his own court.*

Vide Note I. to Section XL.

Evidence taken by commission to be on interrogatories previously submitted to the court.

SECTION XLII.—*In all cases where evidence is taken by commission, such evidence shall be obtained in writing on oath, or otherwise, as may be required, by means of written interrogatories to be submitted by the parties, and approved by the court; which interrogatories shall be returned into court with answers signed by the witness and countersigned by the commissioner.*

Vide Note I. to Section XL.

Both parties may attend, and put proper questions.

SECTION XLIII.—*Both parties may attend the examination of a witness before a commissioner, of which, as far as practicable, they shall receive notice, and*

may put such further questions as the commissioner may think competent.

Vide Note I. to Section XL.

Commissioners may be remunerated.

SECTION XLIV.—*When a person has been employed in taking evidence under special commission, the court, if applied to by him, may award such sum for his trouble as it may deem reasonable, which shall be levied in the same manner as witnesses' expenses.*

Vide Note I. to Section XL.

Witnesses' expenses to be paid immediately by the party calling them, on pain of fine and imprisonment, in case of failure;

SECTION XLV.—*Clause 1st.*—If a person called as a witness shall have been subjected to any expense by his attendance at the trial, the court may award him such sum for his charges as may appear reasonable; and, in default of immediate payment, may, if it see cause, commit to prison for contempt the party by whom he was called, for a period not exceeding sixty days, unless the charges are sooner paid, together with any fine not exceeding the amount of the charges which the court may impose.

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such expenses being further leviable by distraint.

Clause 2nd.—It shall further be competent to the court, on application from the witness, and whether the party be committed to prison or not, to proceed to the recovery of the amount due to the witness by distraint, in the same manner as in the recovery of the amount of a decree.

Accounts to be kept of payments to the witnesses, duly authenticated.

Clause 3rd.—The serishtadar, or, in the court of a commissioner, the commissioner, shall keep in each cause an account of the sums paid to witnesses by order of the court; but he shall enter no sums therein except those for which the party may produce a receipt by the witness.

CHAPTER X.

OF NOTICE TO BE GIVEN TO COHEIRS INTERESTED IN SUITS WHICH HAVE BEEN INSTITUTED WITHOUT THEIR PARTICIPATION.

In succession suits of co-heirs

SECTION XLVI.—*Clause 1st.*—Whenever, in a suit

depending on the rules of succession, it does not appear that all the persons who possess a title to the property in dispute as heirs have been made parties in the suit, the court shall stay its proceedings and issue a proclamation (according to the form contained in Appendix M) explaining the nature of the suit, and the names of the parties, and inviting all persons having any claim to the property as heirs, to prefer the same within a period to be specified, and not to be less than fifteen days from the date of the proclamation.

to receive due intimation by proclamation,

duly published.

Clause 2nd.—The proclamation, as far as circumstances will admit, shall be published in the manner prescribed in Section VIII., Clause 10th of this Regulation.

If no claimant appears, the suit to proceed:

Section XLVII.—*Clause 1st.*—If, after the expiration of the specified period, no claimant has appeared, the court may proceed as in ordinary cases.

if otherwise, the claimant to be admitted as a party,

being liable for a share of the costs.

Clause 2nd.—If a claimant appears and becomes a party to the suit, the court shall investigate his claim, and pronounce a decision thereon, in the same manner as upon those of the other claimants, adjudging him at the same time to pay a due proportion of the costs of the suit.

But the decree not to affect persons not knowingly parties in the suit.

Clause 3rd.—But no decree which may be passed in the suit shall bar a person claiming as heir, and who was not knowingly a party in such suit, from prosecuting his right to the whole or any part of the property in dispute by the ordinary course of law.

CHAPTER XI.

* *

OF CONTEMPTS.

Non-attendance of a witness, without sufficient cause, punishable.

Section XLVIII.—If a witness who has been apprehended and brought before the court is not able to substantiate that he was prevented from obeying the summons by a valid cause, the court may, according

to the circumstances of the case, impose a fine on such witness not exceeding 500 rupees, and, in default of payment, commit him to close custody for a period not exceeding three months, unless the fine is sooner paid.

with fine and imprisonment,

Section XLIX.—*Clause 1st.*—If a witness attending the court refuses to give evidence, and does not assign a sufficient reason for such refusal, the court, according to the circumstances of the case, may impose a fine upon him not exceeding 500 rupees, and, in default of payment, commit him to close custody for a period not exceeding three months, unless the fine is sooner paid.

as also contumacious refusal to give evidence,

Clause 2nd.—If the court is of opinion that the evidence of such witness is material to the suit, it shall be in its discretion to commit him to close custody until he gives his evidence; and, although he is so committed, the fine prescribed in the above clause may nevertheless be imposed, the date of imprisonment in default of payment being computed from the day when he gave his evidence.

even should he afterwards give it.

Section L.—If a witness, after giving his evidence, refuses to sign the deposition, the court shall subscribe the deposition, which shall then be considered as part of the evidence in the suit; and such refractory witness shall be liable to be punished in the same way as a witness refusing to give evidence without assigning sufficient cause for such refusal, under the Rules contained in the first Clause of the preceding Section.

A witness refusing to sign his deposition punishable with fine and imprisonment.

Section LI.—If any person employs terms of abuse in pleading, or uses insolent language or gestures in court, or otherwise disturbs the proceedings of the court, or if he wilfully prevaricates when examined as a witness, the court may immediately punish the offender by a fine not exceeding (500) five hundred rupees, and, in default of payment, commit him to

Impropriety of language and manner in any person,

and prevarication in a witness, punishable with fine and imprisonment:

close custody for a period not exceeding three months, unless the fine is sooner paid.

Vide Act No. XXX. of 1841 for repressing obstructions to justice in certain courts of the East India Company.

As also resistance by any one of the court's process,

Section LII.—If any person obstructs or resists the execution of any process, rule, order or decree of court, the court, on proof of the fact, may order the offender to be summoned or taken into custody, as the case may require; and after an investigation of the circumstances may impose a fine on the offender not exceeding (500) five hundred rupees, and in default of payment commit him to prison for a period not exceeding three months, unless the fine is sooner paid.

and the institution of groundless and vexatious suits,

Section LIII.—When the court is satisfied that a suit has been instituted groundlessly or for vexatious purposes, it may impose a fine upon the plaintiff not exceeding (500) five hundred rupees, and in default of payment commit him to close custody for a period not exceeding three months, unless the fine is sooner paid.

the fine in all cases being of smaller amount in the lower courts than in that of the judge.

Section LIV.—Whenever any of the above cases of contempt occurs in the court of an assistant judge or commissioner, the fine to be imposed on the offender shall not exceed, in the court of a senior assistant judge, one-half, and in the court of a junior assistant judge or commissioner, one-tenth of the highest fine that can be imposed in similar cases by the judge; but the term of imprisonment may be the same.

Vide Act XXX. of 1841.

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Fines imposed by the judge or senior assistant judge open to appeal,

Section LV.—*Clause* 1*st.*—Orders imposing fines under any of the preceding Sections of this Chapter, passed in the courts of the judge and senior assistant judge, shall, without staying execution in the interim, be open to appeal to the Sudder Dewanee Adawlut and zilla judge respectively, and the decision passed on such appeal shall be final.

Clause 2nd.—And if a junior assistant judge or commissioner pass an order, imposing a fine or awarding punishment, under any of the preceding Sections of this Chapter, he shall in no case imprison the offender or levy the fine, but shall without delay report the proceedings to the judge, who, if he approves of the punishment, shall issue an order to the nazir to levy the fine, and in default of payment commit the offender to close custody for a period not exceeding the highest term of imprisonment prescribed for the case, unless the fine is sooner paid.

and in the lower courts leviable only after a review of the case.

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Vide Act XXX. of 1841.

SECTION LVI.—*Clause 1st.*—Persons imprisoned for contempt shall be confined either in the civil or criminal gaol, at the discretion of the court, and the subsistence of the offenders shall be provided for in the same way as that of prisoners in the criminal gaol.

Persons imprisoned for contempt may be lodged in the civil or criminal gaol,

Clause 2nd.—Commitments for contempt issued by the Sudder Adawlut shall be executed by the zilla judge on a precept being issued for that purpose.

the zilla judge executing the sentence of the Sudder Adawlut.

Clause 3rd.—Punishments adjudged under any of the preceding Sections of this Chapter shall not bar a party from instituting an action for damages for any injury he may have sustained by the offences for which the punishments were awarded.

The party injured by the contempt may always sue the offender for damages.

CHAPTER XII.

OF COSTS.

SECTION LVII.—*Clause 1st.*—Under the denomination of "costs" are to be included the whole of the expenses necessarily incurred by either party on account of the suit, and in enforcing the decree that may have been passed therein under the authority of any Regulation, such as the expense of summoning defendants, taxes on law proceedings, fees of attornies, subsistence money to the nazir's officers, charges of

Items constituting costs of suits,

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witnesses, and sums awarded to commissioners employed either in local investigations or in taking evidence.

Vide Act I. of 1846 in regard to including fees of attornies.

which each party in the first instance pays for himself.

Clause 2nd.—Each party shall pay, in the first instance, the costs incurred in his behalf.

If either party proves his case entirely, the other to pay all costs,

unless needless proceedings or expenses are shown.

Section LVIII.—*Clause 1st.*—If by the decree the suit is dismissed, or if the plaintiff is found entitled to the full possession of the property, or the full amount of the sum sued for, or if judgment is given for the defendant, the whole costs of suit shall be paid by the party against whom the decree is made, unless the court shall think that any part of the proceeding was needless, or that any unnecessary expense was incurred.

When part of the claim is admitted the costs to be divided,

Clause 2nd.—If the decree is given for a less sum than was sued for, the costs shall be paid by the parties in such proportions as the court may direct.

and in extraordinary cases apportioned at the court's discretion, for reasons shown in the decree.

Clause 3rd.—In extraordinary cases the court may direct the costs to be paid by either party, and in the proportions that may be equitable; the reason for such deviation from the ordinary rule being specified in the decree.

CHAPTER XIII.

OF ENFORCING SECURITY BONDS TAKEN IN SUITS.

Injuries occasioned by defaults to be redressed at the expense of the security for the defaulter,

Section LIX.—If a party in a suit, who has furnished security, makes default, the other party in the suit, if injured by the default, shall present a petition to the court reciting the circumstances of the case, and stating the default, the extent of the loss occasioned to him thereby, and the liability of the surety; whereupon the court shall investigate the matter, and pass such order as may be consistent with justice and the Regulations, and shall cause the same to be executed in the same manner as a decree of court, such order being in like manner also open to appeal.

an appeal being allowed.

CHAPTER XIV.

OF THE DECREE AND ITS ENFORCEMENT.

See note at the head of Chapter II.

Judgment in suits to be given by a written decree,

SECTION LX.—*Clause 1st.*—When the pleadings and exhibits have been read, the parties heard, the witnesses examined, and the whole proceedings in the suit completed, the court shall give judgment by a written decree.

which shall specify all necessary matters connected with the suit.

Clause 2nd.—The decree shall specify the number of the suit, the amount sued for, and the names of the parties; it shall also recite in abstract the nature and substance of the complaint, the judgment of the court, and an abstract of the reasons thereof, the amount awarded, if the decree be for money, and, if for any object the execution of which may possibly be impracticable, an amount of money as an alternative, the amount of costs awarded and that of fine, if the suit is deemed groundless or vexatious.

Instalments may be specified in the decree,

Clause 3rd.—The court may, by consent of parties, decree the sum awarded to be paid by instalments, which shall be specified in the decree.

and interest, as the court may deem fit, allowed.

Clause 4th.—The court may add in the decree interest on the whole sum sued for, or on any part thereof, from the date of filing the suit till the date of the decree.

The papers in the suit and the costs to be specified in the decree.

Clause 5th.—A list of the pleadings, depositions, exhibits, and other documents in the suit, an account of the costs incurred by the plaintiff, and a similar account of the costs incurred by the defendant, shall also be inserted in the decree.

Act XII. of 1843 provides, that so much of all decrees as consists of the points to be decided, the decision and reasons for it, and all injunctions for revision of decrees, and orders for review of judgment passed by covenanted judicial officers, shall be written at the time of giving such decision or order in English, and signed by the

judge or judges, and that a translation of the same into the vernacular language shall be incorporated in the decree. Native judicial functionaries are to be guided by the same rules, excepting as regards the language to be used, which is to be the vernacular language of the officer.

Decrees to be enforced on application to the court.

Section LXI.—*Clause* 1*st.*—If the party against whom a decree has been passed shall fail to fulfil such decree either wholly or in part, the court, on application of the other party, shall direct it to be enforced.

Commissioners' decrees to be enforced by the judge or one of his assistants.

Clause 2*nd.*—But if the decree has been passed by a commissioner, the application for enforcing it shall be addressed to the judge, who may either decide on it himself or delegate authority for that purpose to an assistant judge.

Decrees not to be enforced until ten days after their dates.

Clause 3*rd.*—No order for the enforcement of a decree shall be passed until ten days from the date of the decree, except for special causes to be shown to and approved by the court.

Decrees against the same defendant to be satisfied according to priority of plaints,

Clause 4*th.*—If more suits than one have been instituted against the same defendant, the plaintiffs obtaining decrees in their favour, in the absence of any special ground of preference in regard to any particular claim, shall be entitled to demand the full enforcement of their decrees, according to the relative priority of their plaints.

unless they were filed within twenty days of each other.

Clause 5*th.*—But if the plaints were filed within the period of twenty days of each other, the decrees, in the absence of any special ground of preference as stated in the preceding clause, shall, upon the verbal application of any of the holders to that effect, be satisfied simultaneously, and, if their full discharge is impracticable, then each in proportion to its respective amount.

The period of ten days, alluded to in Clause 3rd of this Section, is altered to thirty days with reference to the zillas of Poona and Ahmednugger, by Regulation XXIX. of 1827, Section VII., Clause 3rd, Q. V., with its interpretation.

Section LXII.—*Clause* 1*st.*—The application for the enforcement of a decree shall state the mode in which the assistance of the court is required, whether in the occupation of property specifically decreed, the arrest and imprisonment of the debtor, or the attachment and sale of any of his movable or immovable property, in which case such property must be distinctly specified, with the probable value thereof, and an authenticated copy of the decree, which may be procured on verbal application, and the production of any stamped paper required shall accompany the application, and shall bear an indorsement specifying the nature and extent of any satisfaction which may have been made by the debtor; the copy of the decree shall after inspection be returned to the applicant.

Applications for enforcement of decrees to specify the nature of the assistance required.

* * * * *

And to be accompanied by an attested copy of the decree, bearing a memorandum of any satisfaction made.

* * * *

Clause 2*nd.*—The court shall on receiving the application issue such order as may be requisite towards the enforcement of the decree; if it be for land or other immovable property, the same shall be delivered over to the plaintiff; if it be for any specific movable property, or for the performance of any particular act, the same shall, if practicable, be respectively delivered and enforced; and, if this be not practicable, whether from the wilful opposition of the defendant or others, or from other causes, payment of the pecuniary equivalent specified in the decree shall, without prejudice to the operation of the provisions of Section LII., be enforced in the same way as decrees for money are enforced by the arrest and imprisonment of the defendant, or the attachment and sale of his property as specified by the plaintiff, or by both; but it is to be clearly understood that if the defendant shall point out any of his property for sale in preference to that specified by the plaintiff, the property so pointed out shall be first sold, and that such implements of manual labour, and such cattle and implements of agriculture, as may in the judgment of the court from which the

The court to enforce the decree according to the same.

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The debtor having the option of property to be sold,

and articles absolutely required to procure him subsistence being exempted.

process issues, be indispensable for the defendant to earn a livelihood in his respective calling, or cultivate any land that he may hold for that purpose, shall be exempt from attachment.

The nazir to execute decrees at the Sudder station, and the commissioners elsewhere,

and to make return as directed.

Clause 3*rd.*—When a decree is to be enforced at the Sudder station or in its vicinity, the order shall be issued to the nazir, and when in a subordinate district, to the commissioner of the district, and a return to the order shall be made when it is fully executed, or at such period as may be specified in the order, which shall in no case be more than six months from the date of the order.

I. Act V. of 1843, Section 1, forbids the sale, in execution of any decree or order of court, of any person, or of the right to the labour or services of any person, on the ground that such person is in a state of slavery.

II. Act XXXI. of 1845 exempts all pensions from seizure or attachment in execution of orders or decrees of civil courts.

Subsistence money of a defendant in the gaol how fixed and furnished.

Section LXIII.—*Clause* 1*st.*—When a defendant under a decree is committed to prison at the instance of the plaintiff, the judge shall fix whatever monthly allowance he shall think sufficient for the defendant's subsistance, not being more than (100) one hundred reas per day, which shall be supplied by the plaintiff to the nazir by monthly payments in advance on or before the first day of each month, the first payment being made on the date of imprisonment for such portion of the current month as remains unexpired.

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A defendant not guilty of fraud never to be confined for more than three years, and under certain circumstances to be sooner released.

Clause 2*nd.*—A defendant in confinement will be released at any time on full execution of the decree being made, or at the instance of the plaintiff, or on the plaintiff's omitting to pay the allowance as above directed for the space of (24) twenty-four hours after it has become due; and further, if the defendant should not previously have sought to procure his enlargement by the surrender of his property under the rules contained in the succeeding section, his imprison-

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ment on account of the decree which occasioned it shall not in any case exceed three years.

Subsistence money is recoverable from property, but will not occasion imprisonment.

Clause 3rd.—Sums disbursed by a plaintiff for the subsistence of a defendant in gaol shall be added to the decree, and shall be recoverable from his property under the ordinary rules, but the defendant shall not be detained in custody or arrested on account of such disbursements.

A defendant will at any time obtain release on surrendering his property.

Section LXIV.—*Clause 1st.*—A defendant in confinement may at any time procure his enlargement by making an application to the judge to that effect, and furnishing in writing a full and fair account of all his property of whatever nature, whether in expectancy or in possession, and whether held exclusively by himself or jointly with others, or by others in trust for him, and of the places respectively where such property is to be found, and moreover assigned to the plaintiff the whole of such property or such part thereof as may be sufficient for the satisfaction of the decree: in such case the judge shall cause the plaintiff to be furnished with a copy of the account of the defendant's property, and require him within a reasonable period, to be fixed by the judge, to make proof of any fraudulent concealment or misrepresentation made by the defendant, and on his failing to make such proof within the period specified, shall cause the defendant to be set at liberty.

*

But if he commit fraud the plaintiff may detain him for five years in gaol.

Clause 2nd.—But if the plaintiff shall within the time specified, or at any subsequent period, prove to the satisfaction of the judge, that the defendant, for the purpose of procuring his enlargement without satisfying the decree, wilfully concealed or undervalued property, or his right or interest therein, or fraudulently transferred or removed property, or committed other act of bad faith, the judge shall, at the instance of the plaintiff, either retain the defendant in confine-

*

ment, or commit him to prison, as the case may be, (unless he shall already have been confined five years on account of the decree), and such fraudulent defendant shall be liable to imprisonment for a period not exceeding five years in the whole on account of that decree, but terminable at any time on full execution of the decree, or at the instance of the plaintiff, or on his failing to pay the subsistance money as specified in the preceding section.

A defendant never to be twice imprisoned except in the case of such fraud.

Section LXV.—A defendant once enlarged shall not again be imprisoned on account of the same decree, except under the operation of the 2nd Clause of the preceding section, but his property will continue liable to attachment and sale under the ordinary rules, in satisfaction of the decree, until the same shall be fully made.

* *

Sales of property in satisfaction of decrees to be made by public auction at least fifteen days after proclamation of the articles to be sold and the time and place of sale, unless objected to upon good grounds.

Section LXVI.—*Clause* 1*st*.—Whenever a sale of property takes place under a decree, it shall be by public auction, and after not less than (15) fifteen days public notice by proclamation.

Clause 2*nd*.—The proclamation shall be according to the form in Appendix (N), and shall contain a specific inventory of the articles of property to be sold, and intimation that the sale will proceed at a time and place therein mentioned, unless the same shall be objected to by some person, other than the alleged owner, who within (15) fifteen days from the date of such proclamation shall establish to the satisfaction of the creditor or of the court a right or interest in the property under attachment, or shall engage, under such penalty as may be imposed, to file within (30) thirty days from the date of the intended sale a suit in court to establish such right or interest.

* *

Proclamation, where to be made.

Clause 3*rd*.—A copy of the proclamation shall be fixed up at the place where the property is situated,

and also at the most public part of the town or village, and in such other places as the order of court may direct.

Section LXVII.—*Clause* 1*st.*—If, before the sale has taken place, any person, other than the alleged owner of the property, intimates to the court or to the officer superintending such sale that he has a right or interest in the property, and either establishes the same, on the one hand, to the satisfaction of the creditor, or of the court or its officer, as the case may be, or engages, on the other hand, to institute a suit within (30) thirty days from the date of the intended sale for the purpose of establishing it, the court or the officer superintending the sale shall, at the option of such claimant, while his demand is unsatisfied, either cause the sale of the property to be stayed until his claim is decided upon, and the attachment to be removed, when the claim is established, or cause the property to be sold under an express declaration by proclamation issued as prescribed in Section LXVI., Clause 3rd, at least ten days previously to the sale, exclusively of the period specified in Clause 1st of that Section, that such property is sold subject to the right or interest advanced thereto by the claimant, provided that the same shall be established in a competent court as prescribed by the Regulations.

If a third party appears,

and urges good grounds for the measure,

a sale may be stayed,

or proceed without prejudice to such third person's claim:

Clause 2*nd.*—An order of the nazir or other officer for removing an attachment or staying a sale shall be of force only until an order of court can be passed upon his return to the order of sale, in which he shall be careful to explain the grounds on which he acted.

sale to be stayed temporarily only by the ministerial officers employed, and definitively by the court:

Clause 3*rd.*—In all cases where a suit is filed to establish a right to property under attachment, it shall be heard and determined as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

suits upon sales stayed to be tried as soon as possible.

Reg. IV. 1827. Chap. XIV.

Decrees to be satisfied from property according to priority of attachment.

SECTION LXVIII.—Whenever property of a debtor is attached to answer a decree, such attachment shall give the creditor a right to be paid from the proceeds of the property attached, in preference to a creditor who may have subsequently attached it to answer a decree of an earlier date.

Crops not to be disposed of separately from the land until after reaping,

and when reaped they may be attached by the collector in satisfaction of the revenue of the year:

SECTION LXIX.—*Clause* 1*st.*—Land and its crop of whatever kind shall not be attached and sold separately until after the crop has been reaped or gathered.

Clause 2*nd.*—When corn or other production of the soil is attached and sold, the collector or his officers may prevent its being sold or carried off the lands, unless the purchaser shall pay the amount due on account of the revenue of such lands, but in no case shall the purchaser be liable for more than one year's revenue.

and by landholders upon the same principles in satisfaction of the rent of the year.

Clause 3*rd.*—The same right of detention for arrears of rent, similarly restricted, shall be exercised by a landholder where his tenant's corn or other production of the soil is attached.

Decrees of one zilla may be enforced in another,

on reference if necessary to the judge of the zilla in which they were passed,

SECTION LXX.—*Clause* 1*st.*—A decree passed in one zilla may be enforced under the general rules in another zilla by the judge thereof; but if the application for enforcement in such other zilla is not received from the judge of the zilla in which it was passed, it shall be transmitted to him previously to enforcement, and such judge shall return it as soon as possible with an indorsement under his seal and signature, specifying the extent to which the decree appears to have been executed within his zilla.

the defendant's person and property being detained in the meantime:

Clause 2*nd.*—But pending the reference prescribed in the preceding Clause, the debtor may be arrested, or obliged to find security that he will not leave the jurisdiction, and his property may be attached.

* *

decrees of the Bombay Court of Requests and

Clause 3*rd.*—The rules contained in the two preceding Clauses shall be applicable also to decrees of

the Court of Requests at the presidency, and to decrees passed by competent authority in those parts of the territories subordinate to Bombay, in which zilla courts have not been established.

Reg. IV. 1827. Chap. XIV.

competent authorities in the Bombay territories beyond the zillas to be enforced in like manner.

CHAPTER XV.

OF THE REVISIONS OF ORIGINAL DECREES.

Application for revision of a decree may be made in certain cases:

Section LXXI.—*Clause* 1*st.*—If either party should deem himself aggrieved by a decree, and should have strong and evident grounds to urge against the justice of the same, such as an error or omission being apparent on the face of it, or the discovery of new matter or evidence which was not within his knowledge, or could not be adduced by him at the time when the decree was passed, he may solicit a revision of the decree by written application to the court which passed it.

rejection of a revision to be final;

Clause 2*nd.*—If the court, after a full consideration of the grounds of the application, should be of opinion that the reasons urged for a revision of the decree or order are insufficient, it shall reject the application, and the order of rejection shall not be open to appeal: if it should, on the contrary, judge them to be adequate and convincing, the application shall, if made to a subordinate court, be referred with the sentiments of the court to the zilla judge; and, if made to the zilla judge, shall be referred with his sentiments to the Sudder Dewanee Adawlut for final decision by those authorities respectively.

*

but revision to be granted only with the concurrence of the respective Court of Appeal.

One revision only competent, but this may be granted on either party's application,

Clause 3*rd.*—One revision only of a decree shall be competent, but both parties in the suit may make applications for a revision, and the rejection of the one shall not influence the decision on the other.

but not if an appeal has been admitted:

Clause 4*th.*—No revision shall be granted, if an appeal to a superior court has been admitted.

decrees under

Clause 5*th.*—When a revision has been granted,

execution of the decree shall be regulated according to the provisions of Sections LXXXI. and LXXXII., on the subject of decrees in suits under appeal.

revision to be executed or not according to circumstances: revisions how to be conducted.

Clause 6th.—When a revision is admitted, it shall be competent to the court by which the decree was passed to take such additional evidence and pleadings as may have been omitted, and to pass a new decree thereon, which shall be held to stand in the place of the first decree in all respects.

CHAPTER XVI.

OF THE ADMISSION AND REJECTION OF APPEALS.

Decrees of commissioners and junior assistant judges appealable to the judge, whose decision is final; but the suit may be referred to the senior assistant judge, whose decision is in some cases final,

SECTION LXXII.—*Clause 1st.—Every suit originally tried by a commissioner, or a junior assistant judge, shall be open to an appeal to the judge, and, if such appeal be tried by the judge, his decrees shall in all cases be final; but if it be referred under Regulation II. of* 1827, *Section XXVIII., Clause 6th, to a senior assistant judge, the decree of the senior assistant shall be final only in case it affirms the decision of the lower court.*

and in others appealable to the judge, whose decision is final.

Clause 2nd.—Every suit tried in an appeal by a senior assistant judge, in which the decree in appeal modifies or reverses that of the lower court, shall be open to an appeal to the judge, whose decree shall in all cases be final.

Senior assistant judge's original decrees appealable to the judge, whose decision is in some cases final, and in others appealable to the Sudder Dewanee Adawlut.

Clause 3rd.—Every suit originally tried by a senior assistant judge shall be open to an appeal to the judge of the zilla, whose decree, if it affirms that of the lower court, shall be final, but if it modifies or reverses such decree, a further appeal to the Sudder Dewanee Adawlut shall be open to the defendant, if more than five hundred (500) *rupees is adjudged against him by the zilla judge, and to the plaintiff, if more than five hundred* (500) *rupees of his original demand is dis-*

allowed by the same authority, beyond what was adjudged or disallowed by the lower court.

Judge's original decrees appealable to the Sudder Dewanee Adawlut.

Clause 4th.—Every suit originally tried by a zilla judge shall be open to an appeal to the Sudder Dewanee Adawlut.

and in certain cases to H. M. Supreme Court of Judicature.

Clause 5th.—But if the suit is against a British-born subject residing, trading or occupying immoveable property in the zilla, under the circumstances specified in Regulation II. of 1827, *Section XLVI., it shall be competent to such British-born subject, as enacted in the act of parliament,* 53 *Geo. III. c.* 155, *s.* 107, *instead of appealing to the Sudder Dewanee Adawlut, to appeal to his Majesty's Supreme Court of Judicature in Bombay.*

Clauses 1st, 2nd and 3rd of this Section, are repealed by Section I. of Regulation VII. of 1831 (third Supplement to Regulation II. of 1827), which alters the rules for appeals.

Clause 5th is superseded by Act XI. of 1836.

Petitions of appeal to be addressed to the appeal court and presented to the judge, except in certain cases.

SECTION LXXIII.—*Clause 1st.*—In all cases where a party is desirous of appealing, he shall apply by petition addressed to the court in which the appeal is cognizable, which shall be presented to the judge of the zilla, excepting in appeals to his Majesty's Supreme Court of Judicature at Bombay in suits against British-born subjects, and in appeals to the King in council.

Appeals to the judge must be made within 30 and to the Sudder Adawlut within 90 days from the date of the decree;

Clause 2nd.—If the decree was passed by any court subordinate to the zilla judge, the petition shall be presented within thirty (30) days, and if by a zilla judge, within ninety (90) days from the the date of such decree.

but may be admitted after these periods,

Clause 3rd.—It shall nevertheless be competent to the judge, after the expiration of the prescribed period, if the appeal is to himself, to grant the same, and if it is to the Sudder Dewanee Adawlut, to admit it temporarily, subject to the decision of the superior court upon the point, provided that the appellant can show

Reg. IV. 1827. Chap. XVI.

for good reasons. to the judge's satisfaction just and necessary cause for not having preferred it in due time, but in all such cases the reasons inducing the measures adopted shall be fully stated in the minutes of proceedings.

The petition what to contain, SECTION LXXIV.—*Clause* 1*st*.—The petition shall specify the number of the suit, the date when it was filed, the subject of the complaint, the assumed value of the property in dispute, the sum claimed, or the amount of damages alleged to have been sustained, as the case may be, the date of the decree from which the party is desirous of appealing, and such other particulars as he may deem of importance.

and how to be authenticated. *Clause* 2*nd*.—The petition shall be signed by the appellant or his recognized agent or authorized vakeel, and if a vakalutnama is required under the Regulations it shall accompany the petition.

Security for costs must be given by the appellant, SECTION LXXV.—The appellant, along with his petition, shall deliver good and sufficient security, according to the form contained in Appendix (O), for payment of the costs that may be awarded on the appeal to the respondent; and without such security no petition of appeal shall be admitted, except on proof that the appellant is a pauper.

* Act VIII. of 1845 enacts, that security shall not be demanded from any public officer, who is in his official capacity a party in a suit.

Petition of appeal how rejected; SECTION LXXVI.—If on any account the application to appeal is rejected, the judge shall cause an entry to be made on the minutes of proceedings of the reasons for rejecting it, and, if applied to, he shall furnish the petitioner with an authenticated copy of the petition and of the entry so made.

and how admitted; SECTION LXXVII.—*Clause* 1*st*.—If the application to appeal is admitted, the judge shall cause the date on which the petition was presented to be indorsed thereon, and shall subscribe the indorsement; he shall

also cause the word "*appealed*" to be written on the margin of the minutes of proceedings opposite to the decree in the suit.

and if to the Sudder Dewanee Adawlut, how further disposed of.

Clause 2*nd.*—And if the appeal is to the Sudder Dewanee Adawlut, he shall forthwith transmit the petition and security bond to that court.

All papers of suits appealed to the Sudder Dewanee Adawlut, with a copy of the court's proceedings, to be sent forthwith to the superior court,

Section LXXVIII.—*Clause* 1*st.*—When the appeal is to the Sudder Dewanee Adawlut, the judge shall within fifteen (15) days, or as soon after as circumstances will permit, forward to that court the proceedings in the suit, including the whole of the original papers used in the suit, and remaining in the custody of the court, together with an authenticated copy of the minutes of proceedings.

with an inventory in duplicate, one copy of which is to be returned.

Clause 2*nd.*—The papers so forwarded shall be accompanied by an inventory in duplicate, of which one copy shall be returned to the zilla judge, signed by the register or assistant register of the Sudder Dewanee Adawlut, and the other retained on the records of that court.

Copies of all papers forwarded to be retained.

Section LXXIX.—*Clause* 1*st.*—Authenticated copies of all original papers forwarded to the Sudder Dewanee Adawlut shall be made and deposited in the zilla court, which copies shall be deemed records of the court.

Further proceedings to be in like manner forwarded and copies retained.

Clause 2*nd.*—Any further proceedings that may take place in the zilla court pending the appeal shall in like manner be forwarded to the Sudder Dewanee Adawlut, copies being retained for record.

When the original cannot conveniently be sent, copies to be forwarded;

Clause 3*rd.*—If any original exhibit is entered in a book, so that it cannot without great inconvenience be forwarded to the Sudder Dewanee Adawlut, the judge shall transmit an authenticated copy of such exhibit, and certify thereon the reason why it was substituted, but it shall nevertheless be competent to the Sudder Dewanee Adawlut to call for the original exhibit.

but the superior court may call for the original.

When an original is not forthcoming, copy from the general register may be sent.

Clause 4th.—If any original paper, which has been registered in the general register, shall have been lost or destroyed, a copy of such paper certified by the superintendent of the register shall be transmitted to the Sudder Dewanee Adawlut in place of the original.

The parties to be informed of the admission of the appeal.

Section LXXX.—When an appeal is admitted, the judge shall cause to be given to the parties a notice according to the form contained in Appendix (P).

CHAPTER XVII.

OF STAYING AND EXECUTING DECREES UNDER APPEAL.

Execution of decrees under appeal shall be stayed;

Section LXXXI.—*Clause 1st.*—When an appeal has been admitted in any suit, no order for enforcing the decree shall be issued pending such appeal; and if an order for enforcing the decree has been issued, the execution of such order, so far as it may be unexecuted, shall be suspended pending the appeal.

but the appellant shall be required to find proper security;

Clause 2nd.—But the judge, if applied to by the respondent, shall require the appellant, if in possession, to find good and sufficient security, according to the form contained in Appendix (Q), in a sum equal to one year's amount of the annual produce of any land, house, or other immovable property, the right to which was decided by the decree, and forms the subject of appeal; and with respect to other property, good aud sufficient security, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.

Act VIII. of 1845 exempts public officers from the obligation to furnish security under the provisions of this Chapter.

and if he fails to do so, the decree may be enforced under certain restrictions if the respondent finds proper security.

Section LXXXII.—*Clause 1st.*—If the appellant when so required fails to find the prescribed security, the decree may be enforced as in ordinary cases, notwithstanding the appeal, except that the debtor shall not be liable to be imprisoned, unless he fails to find

security that he will not leave the jurisdiction of the court about to try the appeal, but the judge, if applied to by the appellant, shall require the respondent to find security as prescribed in the preceding section for the performance of the decree which may be passed upon the appeal.

If neither party finds the required security measures may be taken to ensure the eventual execution of the final decree;

Clause 2nd.—If neither party furnishes the required security for the performance of the conditions of the final decree, the judge shall, on the requisite application being made, cause the decree to be enforced, provided, however, that the debtor shall not be liable to imprisonment, and further, that any sum of money levied, and any valuable property adjudged and seized, shall, if it be neither bulky nor perishable, be lodged in the court to abide the issue of the appeal; and that, if the decree be for immovable property, or for other property requiring attention and care to ensure its preservation, the judge shall appoint a person to receive and manage it in trust, pending the appeal under the rules contained in Section VIII., Clauses 6th, 7th and 8th.

the combined wishes of the parties being as far as possible attended to.

Clause 3rd.—It is to be clearly understood, that if both parties should request the judge in writing to adopt any particular measure in regard to the execution of the decree while the suit is under appeal, their wishes shall be attended to, unless strong and substantial objections should exist thereto.

CHAPTER XVIII.

OF PROCEDURE AND TRIAL IN APPEAL.

Petitions of appeal, how dated and numbered,

SECTION LXXXIII.—*Clause 1st.*—Whenever a petition of appeal is received by the court to which the appeal is made, it shall be dated and numbered by indorsement in the order in which it is received, and such indorsement, if the appeal is to the Sudder De-

wanee Adawlut, shall be signed by the register or assistant register, and if to the zilla judge, by the judge.

signed,

and registered.

Clause 2nd.—The petition of appeal after being so marked shall be registered in a book to be kept according to the form contained in Appendix (R).

Summons to the parties to appear.

Section LXXXIV.—When the proceedings held in the lower court have been received by the court to which the appeal is made, a summons, according to the form contained in Appendix (S) shall issue from the latter court, directed to the parties requiring them to appear, either personally or by attorney, on a day to be specified, and not to be less than thirty (30) days from the date of the summons, if the appeal is to the Sudder Dewanee Adawlut, nor less than fifteen (15) days if it is to a zilla judge, except by consent of both parties.

The appellant may file a separate petition of appeal.

Section LXXXV.—The appellant on appearing upon the day appointed shall be permitted, either immediately or on such day as the court may fix, to file, if he wishes it, a separate petition of appeal, which shall recite the judgment of the lower court, state whether it has been executed, and, if so, to what extent, and offer specific objections to the judgment, with the reasons for the appeal, and all matters elucidatory of his case.

Further proceedings with certain exceptions to be the same as in original suits.

Section LXXXVI.—All further pleadings, and all the proceedings and acts of the court, from the filing of the petition of appeal until the decree is passed, shall, with the exceptions hereinafter specified, be conducted according to the rules prescribed for the trial of original suits.

The appellant may withdraw his appeal.

Consequences thereof.

Section LXXXVII.—It shall be competent to the appellant at any stage of an appeal to withdraw such appeal by making application for that purpose, in which case he shall be liable to the costs of both par-

ties, and be subject to the provisions contained in Section XVIII. of this Regulation. Reg. IV. 1827. Chap. XVIII.

SECTION LXXXVIII.—*Clause* 1*st.*—All summonses or other process of the Sudder Dewanee Adawlut shall, unless the person on whom it is to be served or executed is present in court personally or by vakeel, be served or executed through the medium of the judge of the zilla where the suit was originally tried, or where such person may be or reside. Summonses and processes of the Sudder Dewanee Adawlut to be served through the judge,

Clause 2*nd.*—In such cases a precept, under the seal of court and signed by the register, shall be directed to the zilla judge, enjoining him to serve or execute the process within the time and in the manner therein specified, and to return the same without delay. by a precept to him directed,

Clause 3*rd.*—The process shall be served or executed by the nazir of the zilla court, and be indorsed and returned to the judge, as in the case of similar process originating in the zilla court, and when so returned, it shall be transmitted by the judge to the Sudder Dewanee Adawlut, together with the precept, on which he shall certify by indorsement that the process has been served or executed, or state the reason why the terms of the precept have not been fulfilled. on the receipt of which he shall issue the requisite orders, and make a fitting return,

Clause 4*th.*—But if a process is directed to either of the parties, and such process, from his not being found or other cause, cannot be personally served, the judge of the zilla shall, of his own authority, issue a notice, which, with a copy of the process, shall be published in the manner directed in Section VI. of this Regulation, Clauses 1st, 2nd and 3rd, intimating that if the party does not comply therewith within the time limited, the appeal will be proceeded on exparte. issuing a proclamation if requisite for the due execution of the process.

SECTION LXXXIX.—If either of the parties appear at the time fixed for trial, the hearing of the appeal If either party appears, the appeal to be tried,

Reg. IV. 1827. Chap. XVIII.

shall proceed, and judgment be given, as if both parties were present; but if neither of the parties appear, the suit shall be struck off the file, and shall not be replaced, except upon the application of the appellant in writing within ten days, and his assigning just and reasonable cause to the court's satisfaction for the default which was made by him.

otherwise to be struck off, and not replaced except under certain circumstances.

No new evidence competent in appeal,

Section XC.—*Clause 1st.*—It shall not be competent to the parties in an appeal to produce additional evidence whether of exhibits or witnesses.

unless for good cause.

Clause 2nd.—But if it appears that competent evidence was refused to be admitted by the lower court, or if the court requires itself the production of exhibits or evidence, as necessary to enable it to pronounce a satisfactory judgment, or if any other substantial cause demands a deviation from the ordinary rule, the court may allow additional exhibits to be received, and the same or other witnesses to be examined, provided that whenever this power is exercised the reasons for exercising it are entered on the minutes of proceedings.

Additional evidence may be taken,

Section XCI.—Whenever additional evidence is permitted to be received, it shall be competent to the court to proceed in any of the following modes.

by remanding the suit to the court from whence it was received, with proper instructions;

First.—By remanding the suit to the court where it was originally tried, with directions to take additional evidence of documents or witnesses, either as to the whole or particular parts of the matter at issue, and to pronounce judgment anew on the matter so remanded, in which case the lower court shall obtain the evidence, and pass such decree as justice may require, and the decree so passed shall be open to appeal as in ordinary cases.

by referring points for investigation;

Second.—By referring points for investigation to the lower court, and suspending a decision until the return of the lower court shall be received.

Third.—By taking the evidence before the court trying the appeal, in conformity with the rules contained in Chapter IX. of this Regulation.

by the appeal court taking the evidence;

Fourth.—By preparing written interrogatories and transmitting them to the lower court, with instructions to obtain the answers of the witnesses thereto, and to return them to the superior court in conformity with the rules contained in Sections XLII., XLIII. and XLIV.

by transmitting written questions to the inferior court;

Fifth.—And if the appeal is to the Sudder Dewanee Adawlut, by authorizing the register to act as commissioner for taking the evidence in writing under such instructions as he may receive from the court, and after notice given to the parties to attend.

and in the Sudder Dewanee Adawlut by the register taking the examination.

Section XCII.—In all cases, when additional evidence is permitted to be taken, the court shall define the point or points to which the evidence is to be confined, and record the same in the minutes of proceedings.

The points for inquiry shall be carefully defined and recorded.

Section XCIII.—*Clause 1st.*—If at any time pending an appeal, the security taken from either party appears inadequate, whether from the increase or improvement of the property forming the subject of appeal, or from the insufficiency of the sureties, the court before which the appeal is pending may, on the application of the other party, require further security.

Security appearing inadequate may be required to be increased by the appeal court;

Clause 2nd.—In default of such further security being found, if the original security was furnished by the appellant, the court may issue an order for enforcing the decree as if no such original security had been given, but if the original security was furnished by the respondent, the court, so far as may be practicable, shall compel him to deliver up the property forming the subject of appeal, which shall be disposed of in conformity with such of the rules contained in Section LXXXII. of this Regulation as may be applicable to the particular case.

and, if additional security is not furnished, similar measures shall be taken as if no security had been furnished,

Reg. IV. 1827. Chap. XVIII.

the appeal being heard as soon as possible.

Clause 3*rd.*—And whenever additional security is required pending the appeal, and is not found, the appeal may be heard as soon after the pleadings are completed as circumstances will permit, without regard to the order in which it stands upon the file.

CHAPTER XIX.

OF THE DECREE IN APPEAL.

Form and substance of the decree in appeal;

Section XCIV.—*Clause* 1*st.*—The decree shall specify the number of the appeal and the names of the parties, and shall recite the judgment of the lower court, or such part thereof as is appealed against, with the grounds of appeal; in all other respects it shall conform as nearly as possible to the rules contained in Section LX. of this Regulation, Clauses 2nd, 3rd, 4th and 5th.

if it occasions the suit to be returned for trial anew,

Clause 2*nd.*—If the decree of the court below should have disposed of the suit, either wholly or in part, without investigating the merits upon the ground of the jurisdiction not having been proved, the period of limitation having been exceeded, or other preliminary objection, and such decree should be reversed by the decree in appeal, the superior court shall apprise the parties that the suit will be remitted for hearing to the court below, and shall cause the papers of the suit, together with a copy of the decree in appeal, to be transmitted to such lower court, with directions to proceed in the investigation of the merits of the suit, and pass a decree therein according to the Regulations.

notice to be given to the parties,

and the suit shall as far as possible hold its original situation.

Clause 3*rd.*—The suit shall occupy the number under which it was originally filed, and all advantages depending upon the period of its institution shall as far as possible be secured to the parties concerned.

Sudder Dewanee Adawlut's decree in what

Section XCV.—*Clause* 1*st.*—The decree of the Sudder Dewanee Adawlut shall be in English, but

shall have annexed or subjoined a translation in the language of the zilla in which the suit was originally tried. languages to be written,

See Act XII. of 1843.

Clause 2nd.—It shall be signed by the judges who were present when the decree was passed, and be sealed with the seal of the court. how signed and sealed.

Clause 3rd.—The decree shall be executed under the authority of the judge of the zilla in which the suit was originally tried, in the same manner as a decree of his own court. and executed.

CHAPTER XX.

OF THE REVISION OF DECREES PASSED IN APPEAL.

Section XCVI.—It shall be competent to the court that has tried an appeal to receive and consider applications for a review of its decree, in conformity with the rules contained in Section LXXI. of this Regulation; the application, when made to the Sudder Dewanee Adawlut, being finally decided upon in all cases by that court. Revisions of decrees in appeal how competent.

CHAPTER XXI.

OF APPLICATIONS TO THE SUDDER DEWANEE ADAWLUT IN INCIDENTAL COMPLAINTS.

Section XCVII.—*Clause 1st.*—It shall be competent to the Sudder Dewanee Adawlut, if applied to by the party, to admit a petition of appeal against the decree, whether of a zilla judge or of any inferior court, which the zilla judge may have rejected as having been presented after the limited period, or on any other ground. Rejection of appeals by the judge may be appealed against to the Sudder Dewanee Adawlut.

Clause 2nd.—In such cases the application shall be accompanied by authenticated copies of the decree, of the petition which was rejected, and of the entry in the minutes of proceedings of the zilla judge, con- The petition of appeal how to be accompanied;

taining the reasons for its rejection, or by a declaration upon oath, or otherwise as the court may require, that such copies were applied for and not obtained.

how admitted and proceeded in.

Clause 3*rd.*—If, on inquiry, it appears that the petition of appeal was rejected upon insufficient ground, or that other circumstances require that it should be admitted, it shall be competent to the Sudder Dewanee Adawlut, if the rejected appeal was to that court, to admit it, and call for the proceedings in the suit; and if it was to the zilla judge, to enjoin him to admit it, and proceed as in ordinary cases.

The Sudder Dewanee Adawlut competent to receive complaints in other matters against judges,

SECTION XCVIII.—*Clause* 1*st.*—It shall also be competent to the Sudder Dewanee Adawlut to receive complaints against a zilla judge for refusing to file an original suit, for neglecting to proceed in a suit already filed, or for refusing to receive, or neglecting to proceed in, an application in any suit or matter that has been decided.

and to issue the requisite orders

Clause 2*nd.*—And, on proof of the facts alleged, the Sudder Dewanee Adawlut may enjoin the zilla judge to receive or proceed in such suit or application as in ordinary cases.

CHAPTER XXII.

OF SPECIAL APPEALS.

Act No. III. of 1843 amends the rules of special appeals, but does not affect former Regulations, so far as they may be consistent with its provisions.

Special appeals from decrees under what circumstances competent to the Sudder Dewanee Adawlut and the zilla judge;

SECTION XCIX.—*Clause* 1*st.*—If in a suit or appeal, not ordinarily appealable to the Sudder Dewanee Adawlut, a decree is passed in any zilla court which appears on the face of it to be contrary to or unwarranted by the Regulations, which appears to be inconsistent with the general usage of the country, or with the Hindoo or Mohumudan law, in questions depending on such law; or if the decree involves some point

of general interest or importance, not before decided by the Sudder Dewanee Adawlut; or if strong probable grounds of grievance exist, from whatever cause, it shall be competent to the Sudder Dewanee Adawlut to admit a special appeal in the case: *it shall, in like manner and under the same circumstances, be competent to the zilla judge to admit special appeals from decrees passed in appeal by the senior assistant judge.*

This Section is modified by Regulation VII. of 1831, Section V.; and the latter part is rescinded by Act III. of 1843. Vide interpretation thereon, dated 12th September, 1846.

also against orders.

Clause 2nd.—In like manner if, in the course of any judicial proceeding, an order is passed in the inferior court, which, by not relating to the merits of the case in general, is not regularly open to correction by means of appealing against the decree, it shall be competent to the court, by which an ordinary appeal in the suit from which the said order originated is cognizable, to admit a special appeal from such order.

The petition, what to contain, when to be presented,

Clause 3rd.—The petition of appeal shall state the specific ground upon which the appeal is solicited, and shall be presented within the period limited for a regular appeal to the respective authority to whom it is preferred.

and how accompanied.

Clause 4th.—The petition shall be accompanied by an authenticated copy of the decree or order, or by a declaration upon oath, or otherwise as may be required, that such copy was applied for, and not obtained.

Vide Section III., Act III. of 1843.

Reasons for admitting the appeal to be recorded, and the requisite orders issued to the inferior court.

Clause 5th.—If, on a consideration of the circumstances of the case, the court admits the appeal, the reasons for admitting it shall be entered on the minutes of proceedings, and such order be transmitted for the guidance of the inferior court, as the case may require.

Appellant when and how punishable by the Sudder Dewanee Adawlut.

Clause 6th.—And if, on investigation, the appeal appears to have been made groundlessly or for vex-

ations purposes, the court may fine the appellant, in conformity with the rules contained in Section LIII. of this Regulation.

Vide Regulation VII. of 1831, Section V., and Act III. of 1843.

CHAPTER XXIII.

OF APPEALS TO THE KING IN COUNCIL.

Appellants to the King in Council may, at their option, present a petition to the Sudder Dewanee Adawlut,

Section C.—*Clause* 1*st*.—If a party is desirous of preferring an appeal to the King in Council, and requires the assistance of the court for obtaining security from the other party for staying execution of the decree that has been passed, or for any other purpose, he shall present his petition of appeal to the Sudder Dewanee Adawlut within six calendar months from the date of the decree appealed against.

which court will give notice to the other party,

Clause 2*nd*.—On receipt of the petition the Sudder Dewanee Adawlut shall forthwith cause notice to be given to the other party that the petitioner has preferred an appeal to the King in Council.

and stay execution of the decree in proportion to the security furnished,

Clause 3*rd*.—The Sudder Dewanee Adawlut, if applied to, may either order the decree appealed against to be enforced, taking sufficient security for the performance of such order or decree as his Majesty, his heirs or successors may make on the appeal; or it may direct, on similar security being found, that no order for enforcing the decree shall be issued pending the appeal, and that, if any such order has been issued, it shall, so far as it has not been executed, be suspended.

the appellant always finding security for costs.

Clause 4*th*.—But in either case the Sudder Dewanee Adawlut shall require the appellant to find security for the payment of such costs as it may think likely to be incurred by the appeal.

Further security, if required, how taken.

Clause 5*th*.—If, pending the appeal, the Sudder Dewanee Adawlut is applied to by either party to take further security, the court shall conform to the rules

contained in Section XCIII. of this Regulation, Clauses 1st and 2nd.

Proceedings in the suit appealed to be forwarded to Government.

Clause 6*th.*—The Sudder Dewanee Adawlut, on receipt of the petition of appeal, shall cause to be made two exact copies thereof, and of all the proceedings held, and orders or decrees given in the suit, including the whole of the evidence and documents, translated into English, if the original documents are not in that language, and shall transmit them, under the seal of the court and the signature of the register, to the Governor in Council, for the purpose of being forwarded without delay to his Majesty in Council.

Either party may, on paying for the same, obtain a copy of any paper concerned,

Clause 7*th.*—Either party also, on application, may obtain one or more authenticated copies of any of the papers in the suit, on paying the reasonable expenses incurred in preparing them.

and of any local regulations.

Clause 8*th.*—Either party, in like manner, may obtain an authenticated copy of any local regulation enacted by the Governor in Council which he may require in the appeal.

Decrees of the King in Council how executed.

Clause 9*th.*—The decrees of the King in Council, when duly certified, shall be enforced, under the direction of the Sudder Dewanee Adawlut, by the judge of the zilla in which the suit was originally tried, in the same manner as those of his own court.

His Majesty's pleasure *in receiving or rejecting appeals not intended to* be affected by this Regulation.

Clause 10*th.*—Nothing contained in the preceding clauses of this section is to be understood to bar the full and unqualified exercise of his Majesty's pleasure upon all appeals to him, either in rejecting any he may consider inadmissible, or in receiving any he may judge admissible.

Act No. XI. of 1839 enacts, that from and after the 22nd April, 1839, no stamp duty or institution fee shall be payable in respect of any proceeding in any appeal from the Honourable East India Company's Courts to the Queen in Council, or for any paper or copy of paper required for such appeals.

Act II. of 1844 requires that the expenses of preparing copies

and of translation of papers in appeals to Her Majesty in Council be borne by the parties, and that the estimated amount be deposited by the appellants before the appeal is admitted.

Vide Acts of Parliament, 3 & 4 Will. IV. c. 41; also 8 & 9 Vict. c. 30; as well as the Order in Council hereto annexed as Appendix (T).

APPENDIX (A).

(See Section IV., Clause 2nd.)

General Register of Civil Suits in the Court of the Zilla of Ahmedabad (or as the case may be) *in the Year* ——.

No. of the Register.	Subordinate Registry, if any.	Date on which filed.	Names of the Parties.	Nature of the Claim.	Amount.
No. 1.		1st January.	Herjewan Laldass *versus* Ramjee Petamber.	To recover a piece of land called Poolchat in the village of Goraw.	Rs. 505-0-00
No. 2.		2nd January.	Pestonjee Kassoojee *versus* Mahomed Moideen.	Balance of account current.	Rs. 47-2-75
No. 3.	No. 1 of Dholka.	3rd January.	Ramchunder Wissonath *versus* Jugunath Krustnajee.	Damages sustained by a breach of engagement to marry his daughter to plaintiff.	Rs. 801-0-00

APPENDIX (B).

(See Section V., Clause 1st.)

Form of original Summons to Defendant to appear in Court if the suit is for Money.

To A. B., inhabitant of ——, and C. D., inhabitant of ——, and E. F., inhabitant of ——, &c.

Whereas ——, inhabitant of ——, has instituted against you in the court of – — a suit of rupees ——, being the amount of goods furnished to you [*or* " for damages for an assault or other injury committed by

you," *or otherwise, as the case may be*]; you are therefore hereby required to appear, either personally or by an authorized attorney, before —— in the court of ——, within —— days of your receiving this summons, to answer the complaint, in default whereof the said suit will be heard and determined in your absence on such evidence as the plaintiff may adduce.

Dated at ——, this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner,
[*as the case may require*].

If the Suit is for Possession of a particular Article.

Whereas ——, inhabitant of ——, has instituted against you in the court of —— a suit of rupees ——, to recover the possession of a dwelling-house situated at —— [*or* " a jewel deposited with you of the value of rupees ——," *or otherwise, as the case may be*], you are therefore, &c.

The nazir's indorsement upon returning the summons into court to be as the case may require,

either

Served by the peon —— upon the defendant A. B. personally on the —— day of ——, 18—, and upon the defendant C. D. personally on the —— day of ——, 18—,

or

Not served upon the defendant E. F., who, after diligent search made by the peon —— charged with the duty, could not be found:

and the following to be added in all cases.

CHARGES.

Allowance due to the peon ——, being rupees —— for —— days occupied in going to and returning from

Reg. IV. 1827. App. (B). the town [*or* "village"] of ——, a distance of ——, at the rate of —— per day.

(Signed) By the Nazir.

APPENDIX (C).

(See Section VI., Clause 1st.)

Form of Order to the Nazir for the Publication of Summons where the Defendant cannot be found.

In the Court of ——.

—— plaintiff *versus* —— defendant.

To the Nazir of the Court of ——.

Whereas upon the return made on the summons in the above suit it appears that the defendant —— could not be found, therefore you are hereby required to cause a copy of the said summons and of the annexed† notice to be fixed up in a conspicuous part of the court, and another copy of the said summons and notice to be delivered to some person belonging to the defendant's family and residing with him, or if none such is found, to be fixed upon the outer door of the house, or in some conspicuous part of the village or other place in which he has generally resided.

Dated at ——, this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner,
[*as the case may require*].

† See Appendix (D).

The nazir's indorsement, upon returning the above order, to be in the following form, viz.

The within order executed by fixing up a copy of the summons and notice in court on the —— day of ——, and by delivering another copy to ——, the wife [*or as the case may be*] of the defendant and residing in his house [*or* "by fixing up a copy on the

outer door of the house ——," *or* " by fixing up a copy in the market or other conspicuous part of the village or other place in which he has generally resided," *as the case may be*], on the —— day of ——, 18—.

CHARGES.

Allowance due to the peon ——, being rupees —— for —— days occupied in going to and returning from the town [*or* " village"] of ——, a distance of ——, at the rate of —— per day.

(Signed) By the Nazir.

APPENDIX (D).

(See Section VI., Clause 1st.)

Form of a Notice to a Defendant on whom the original Summons could not be served.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas ——, inhabitant of ——, has instituted a suit against ——, inhabitant of ——, and a summons, of which the annexed is a copy, was issued, but returned into court, because the defendant could not be found, this notice is therefore to require the said —— defendant to appear before the court within fifteen [*or more, as the case may require*] days from this date, in default whereof the said suit will be heard and determined in his absence on such evidence as the plaintiff may adduce.

Dated at ——, this —— day of ——, 18—.

(Signed) By the Judge.
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner,
[*as the case may require*].

APPENDIX (E).

(See Section VII., Clause 3rd.)

Form of Warrant for bringing before the Court a Defendant failing to furnish Security for his Appearance.

In the Court of ——.

—— plaintiff *versus* —— defendant.

To the Nazir of the Court of ——.

Whereas the plaintiff in this suit has made application to the court to take security for the defendant's appearance, you are therefore hereby commanded to bring the defendant forthwith before the court, unless he furnishes the security of some responsible person or persons engaging to the extent of rupees —— for his appearance to fulfil the decree in the said suit, and in default of such appearance to fulfil in his place whatever order or decree may be passed in the suit. Herein fail not.

Dated this —— day of ——, 18—.

(Signed) By the Judge.
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner.
[*as the case may require*].

APPENDIX (F).

(See Section VII., Clause 3rd.)

Form of Bond to be entered into by the Security for the Appearance of a Defendant.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas, upon the application of the plaintiff, the court has required the defendant to find security for his appearance; and whereas I, ——, inhabitant of ——, have voluntarily agreed to become security for

his appearance in court, therefore I do hereby bind myself, my heirs and executors, to the sirkar in the sum of rupees —— to pay such sum as may be adjudged against the said defendant, and to perform whatever order or decree may be passed against him in the said suit; provided always, that the said defendant shall not have fulfilled the decree or appeared in court when required for that purpose; as witness my hand this —— day of ——, 18—.

(Signed) By the Security.

APPENDIX (G).

(See Section VIII., Clause 4th.)

Form of Order for Sequestering the Property of a Defendant before Judgment.

In the Court of ——.

—— plaintiff *versus* —— defendant.

To the Nazir of the Court of ——.

Whereas it appears that ——, the defendant in the above suit, intends clandestinely to dispose of or remove from the jurisdiction of this court the property specified in the annexed list for the purpose of obstructing the execution of the decree, therefore you are hereby commanded to require and take security† from the said defendant in the sum of rupees —— to satisfy the judgment of the court, if given against him; and if such security is not given forthwith [*or* "before the —— day of ——," *as the case may be*], then to attach and keep under sequestration the property specified in the annexed list, or a part thereof sufficient to fulfil the judgment, until further order of court.

[‡And you are hereby further commanded, if security is not furnished as aforesaid, to give public notice

† See Appendix (H).

‡ To be published when it is intended without sequestrating immovable property to prohibit any alienation of it.

Reg. IV. 1827. App. (G).

by reading aloud in the most public part of the town [*or* "village," *as the case may be*] of —— the accompanying proclamation,† prohibiting all persons from receiving by purchase, mortgage, sale or otherwise, the immovable property specified in the annexed list, until further order of court, and you shall further cause copies of the said proclamation to be fixed up on a conspicuous part of the said property, in the zilla court, in the collector's kuchery, in the public market, or other places as may be deemed necessary]. Herein fail not.

Dated this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
or Junior Assistant Judge,
[*as the case may require*].

The nazir's indorsement on returning the order for sequestration into court to be, as the case may require,

either

Executed the within order by taking security‡ by the bond herewith returned,

or

Executed the within order by attaching the following property, viz. ——, the remainder not being found,

or

Executed the within order by attaching the movable, and making proclamation§ regarding the immovable property, and fixing up copies as directed.

(Signed) By the Nazir.

† See Appendix (I).
‡ See Appendix (H).
§ See Appendix (I).

APPENDIX (H).

(See Section VIII., Clause 4th.)

Form of Security Bond to be taken under an Order for Sequestration before Judgment.

In the Court of the zilla of ——.

—— plaintiff *versus* —— defendant.

Whereas an order has been issued for sequestering the following property of ——, defendant in the above suit, viz. ————————————————————

And whereas I, ——, inhabitant of ——, have voluntarily agreed to become security to produce the said property, or a part thereof sufficient to fiulfil the judgment, when required, therefore I do hereby bind myself, my heirs and executors, to the sirkar in the sum of —— rupees to produce and place at the disposal of the court such property, or the part thereof aforesaid, when required; provided always, that the said defendant shall not have fulfilled the decree in the said suit.

As witness my hand this —— day of ——, 18—.

(Signed) By the Security.

APPENDIX (I).

(See Section VIII., Clause 9th.)

Form of Proclamation under an Order for Sequestration before Judgment.

In the Court of the zilla of ——.

—— plaintiff *versus* —— defendant.

Whereas an order has been issued for prohibiting the disposal of the following property of ——, defendant in the above suit, viz. ————————————————— therefore notice is hereby given, that all persons are prohibited from receiving by purchase, gift, mortgage or otherwise, the said property, or any part thereof, until further order of court, and that no

Reg. IV. 1827. App. (I).

purchase, gift, mortgage or other transfer, made after this proclamation, will be effectual to alienate the said property, or any part thereof, to the injury of the plaintiff in the above suit.

Dated this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
or Junior Assistant Judge,
[*as the case may require*].

APPENDIX (J).

(See Section XII.)

Form of Bond in Security of Costs, to be taken when the Plaintiff resides beyond the Jurisdiction.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas a suit has been instituted in the Court of —— by —— plaintiff, residing at ——, in the —— of ——, against —— defendant; and whereas it is required that the said ——, as residing without the zilla, should find security to pay the costs and obey all orders and decrees in the suit adjudged and passed, whether in the court of —— or in the Sudder Dewanee Adawlut, therefore I, ——, inhabitant of ——, have voluntarily become security, and do hereby bind myself, my heirs and executors, &c., to the sirkar that the said ——, his heirs and executors, shall pay all costs incurred and obey all such orders and decrees as may be given in the said suit against the said ——, whether in the court of —— or in the Sudder Dewanee Adawlut, and in default of his so doing, I bind myself, my heirs and executors, to pay all such sums as may be adjudged against him. Witness my hand, at —— this —— day of ——, 18—.

(Signed) By the Security.

APPENDIX (K).

(See Section XXXII., Clause 2nd.)

Form of Summons for citing a Witness.

In the Court of ——.

—— plaintiff *versus* —— defendant.

To A. B., inhabitant of ——, and C. D., inhabitant of ——, &c. &c. &c.

You are hereby commanded to appear at the said court on (Monday) the —— day of —— next, at —— o'clock in the forenoon to give evidence in the above suit [† you are further desired to bring with you the, &c.]

Dated at ——, this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner.

The indorsement, on returning the original summons into court, to be, as the case may require,

either

Served by the peon —— upon the witness A. B., on the —— day of ——, 18—,

or

Not served upon the witness C. D., who after diligent search by the peon —— charged with the duty could not be found;

and the following to be added in all cases:

CHARGES.

Allowance due to the peon —— being rupees —— for —— days occupied in going to and returning from the town [*or* "village," &c.] of ——, a distance of ——, at the rate of —— per day.

(Signed) By the Nazir.

† This to be added when the witness is to be informed that the suit will receive elucidation from the production of a book or other article in his possession.

Reg. IV. 1827.
App. (L).

APPENDIX (L).

(See Section XXXII., Clause 5th.)

Form of Warrant for bringing before the Court a Witness who has neglected to appear.

In the Court of ——.

—— plaintiff *versus* —— defendant.

To the Nazir of the Court of ——.

Whereas ——, witness in the above cause, although duly summoned, has failed to appear, therefore you are hereby commanded to bring him forthwith before the court. Herein fail not.

Dated at ——, this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner,
[*as the case may require.*]

APPENDIX (M).

(See Section XLVI., Clause 1st.)

Form of Proclamation calling upon all Persons having Claims as Heirs to appear in a Suit.

PROCLAMATION.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas the said ——, plaintiff, has brought a suit against the said ——, defendant, to recover possession of a sum of rupees —— [*or* " of a dwelling-house in ——" *or as the case may be*] due to [*or* " the property of "] ——, deceased, this is to give notice to all persons having, or claiming to have, a title to the said sum of money [*or* " dwelling-house "] as heirs of the said ——, to appear in the said court within —— days

from the date of this proclamation, there to enter and prosecute their claim. Reg. IV. 1287. App. (M).

Dated at ——, this —— day of ——, 18—.

(Signed) By the Judge,
Senior Assistant Judge,
Junior Assistant Judge,
or Commissioner,
[*as the case may require.*]

APPENDIX (N).

(See Section LXVI., Clause 2nd.)

Form of Proclamation intimating a Sale of Property.

Sale of property at ——.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas the said —— on the —— day of ——, 18—, obtained a decree against the said —— for the sum of ——, whereof —— still remains due, and whereas the following property of the said —— has been attached for the said debt, viz. ——————— this is to give notice, that the said property so attached will be sold by public auction on the —— day of ——, at the hour of —— in the forenoon, at the dwelling-house of the said —— [*or* "at the market place of" ——, *or* "on the lands of" ——, &c. *as the case may be*], unless such sale shall be objected to, either wholly or in part, by another claimant to the property, who either shall have satisfied the creditor or the nazir (or other officer superintending the sale) of his right to the things so claimed, or who shall produce a certificate that he has filed a suit in support of his claim, or engage, under such penalty as may be imposed, to file such suit within thirty (30) days after the day advertised for the sale.

Dated this —— day of ——, 18—.

(Signed) By the Nazir.

Reg. IV. 1827. App. (O).

APPENDIX (O).

(See Section LXXV.)

Form of Bond to be entered into by the Security of an Appellant.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas a decree was passed in the above suit on the —— day of ——, 18—, against which the said —— is desirous of appealing to the court of ——, therefore I, as security for the said ——, do hereby bind myself, my heirs and executors, to the sirkar, that the said —— shall pay all such costs as may be awarded against him in the said appeal, and in default of his so doing, I bind myself, my heirs and executors, to pay the said costs, as witness my hand this —— day of —— 18—.

(Signed) By the Security.

APPENDIX (P).

(See Section LXXX.)

Form of Notice to be given to the Parties when an Appeal is admitted.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas a decree was passed in the above suit by the judge, [" senior assistant judge, junior assistant judge, *or* commissioner," *as the case may be*], of ——, on the —— day of ——, against which the said —— has [*or* " you have," *as the case may be*], applied for permission to appeal,

Take notice, therefore, that the appeal applied for has been admitted, and will be tried by the Sudder Dewanee Adawlut, [*or* " this court," *as the case may be*].

Dated this —— day of ——, 18—.

(Signed) By the Judge,
or Senior Assistant Judge.

APPENDIX (Q).

(See Section LXXXI., Clause 2nd.)

Form of Bond to be taken when Execution is stayed or enforced in an Appeal.

In the Court of ——.

—— plaintiff *versus* —— defendant.

Whereas a decree was passed in the said court on the —— day of ——, adjudging the said —— to pay the sum of —— to the said ——, [*or* " to transfer to the said —— a house situated at ——," *or* " —— begas of land situated at ——," *or* " to perform certain acts, &c. &c." *as the case may be*], against which decree the said —— has appealed; and whereas it has been ordered by the said court, that the execution of the said decree should be stayed, if the said ——, the appellant, [*or* " enforced, if the said ——, the respondent," *as the case may be*], find security in the sum of —— for the performance of the decree that may be passed upon appeal, therefore I ——, inhabitant of ——, have voluntarily become security, and do hereby bind myself, my heirs and executors, to the sirkar, that the said ——, his heirs and executors, shall obey and fulfil all such orders and decrees as may be given against the said —— in such appeal, and in default of his so doing, I bind myself, my heirs and executors, to pay all such sums as the court may adjudge against him to the extent of —— as aforesaid. Witness my hand at ——, this —— day of ——, 18—.

(Signed) By the Security.

APPENDIX (R).

(See Section LXXXIII., Clause 2nd.)

General Register of Appeals filed in the Court of Sudder Dewanee Adawlut [or "*in the Court of the Zilla of*——," as the case may be], *in the year* ——.

	No. of the Register.	Original Registry.	Date on which filed.	Names of Parties.	Subject of the Appeal.	Amount.	Date and Abstract of Decree in Appeal.
Sudder Adawlut.	No. 1.	No. 9 of 18— of Broach.	1st March.	Juggevan Moody, Appellant, *versus* Hirjee Cawajee, Respondent.	Against a decree adjudging 100 begas of land to the respondent.	Rs. 1000	25th June. Judgment for Appellant.
Zilla Court.	No. 1.	No. 157 of 18—	25th January.	Laldass Petamber, Appellant, *versus* Purbhoodas Dyram, Respondent.	Against a decree adjudging payment of a bond.	Rs. 6000	3rd March. Judgment for Appellant.

APPENDIX (S).

(See Section LXXXIV.)

Form of Summons to Parties to appear in Appeal.

In the Court of ——.

—— appellant *versus* —— respondent.

To —— appellant,

or —— respondent,

[*as the case may be*].

Whereas a decree was passed on the —— day of ——, in the court of ——, against which decree the said —— has [*or* "you have," *as the case may be*], appealed to the court of ——, you are therefore hereby required to appear personally or by vakeel, on the —— day of ——, to prosecute [*or* "defend," *as the case may be*], the said appeal; in default whereof, the

said appeal will be heard and determined in your absence.

Dated at ——, this —— day of ——, 18—.

(Signed) By the Register,
or Assistant Register,
if in the Sudder Dewanee Adawlut.
And
By the Judge,
or Senior Assistant Judge,
if in the Zilla Court.

APPENDIX (T).

(See Section C, and Note thereto.)

Order in Council.

At the Court at Buckingham Palace, 10th April, 1838;

Present,

The Queen's most excellent Majesty,

Lord Chancellor, Earl of Minto,
Lord President, Lord John Russell,
Lord Stewart, Viscount Palmerston,
Lord Chamberlain, Viscount Melbourn,
Lord Glenelg.

Whereas by an act passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled "An Act for the better Administration of Justice in his Majesty's Privy Council," it is amongst other things enacted, "that it shall be lawful for his Majesty in Council from time to time to make any such rules and orders as may be thought fit for the regulating the mode, form, and time of appeal to be made from the decisions of the Courts of Sudder Dewanee Adawlut, or any other courts of judicature in India or elsewhere, to the eastward of the Cape of Good Hope, (from the decisions of which an appeal

Reg. IV. 1827. App. (T).

lies to his Majesty in Council,) and in like manner from time to time to make such other Regulations for the preventing delays in the making or hearing such appeals, and as to the expenses attending the said appeals, and as to the amount or value of property in respect of which any such appeal may be made: And whereas his said late Majesty did, by his Order in Council, on the 16th day of January, 1836, approve certain rules and orders for regulating the mode, form, and time of appeal from the decisions of the said Courts of Sudder Dewanee Adawlut, and also certain regulations for the preventing delays in the making or hearing of such appeals, and as to the expenses attending such appeals, and the said rules and orders and regulations were set forth in certain Schedules (A) and (B) to and by the said Order in Council of the 16th of January annexed and approved: And whereas his said late Majesty did by his further Order in Council made on the 10th day of August, 1836, alter and amend the said Schedule (B), by cancelling the Rule No. 5 of the said Schedule (B) so approved as aforesaid, and ordering that in lieu of the said fifth rule thereof a certain other rule in such last-mentioned order set forth should be substituted: And whereas the Queen's most excellent Majesty in Council hath deemed it expedient to cancel and rescind all the said rules, orders and regulations, and to make and substitute others in lieu thereof;

Her Majesty is therefore pleased, by and with the advice of her Privy Council, to cancel and rescind all the said rules, orders and regulations in the said recited Orders in Council of the 16th day of January, 1836, and 10th day of August, 1836, respectively contained, and thereby or by either of them approved, and to approve of the several rules, orders, and regulations contained in the Schedule hereunder written or hereunto annexed, and to order, as it is hereby ordered,

that the same be respectively observed by her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively, by the Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, and by the said several Courts of Sudder Dewanee Adawlut, and all other Courts of Judicature in the territories under the Government of the East India Company, and by all persons whom it shall or may concern. Whereof the Governor General and the Council of India, the Governor of Fort William in Bengal, the Governor in Council at Fort St. George, the Governor in Council at Bombay, the Governor of Agra, the chief justice and the judges of her Majesty's Supreme Courts of Judicature at Fort St. George, the chief justice and judges of her Majesty's Supreme Court of Judicature at Bombay, the Court of Judicature of Prince of Wales's Island, Singapore, and Malacca, the judges of the several Courts of Sudder Dewanee Adawlut in the East Indies, and the judges of all other Courts of Judicature in the territories under the Government of the East India Company, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed) C. C. Greville.

THE SCHEDULE ABOVE REFERRED TO.

1. That from and after the 31st day of December next no appeal to Her Majesty, her heirs and successors, in Council shall be allowed by any of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort St. George, Bombay, or the Court of Judicature of Prince of Wales's Island, Singapore and Malacca, or by any of the courts of Sudder Dewanee Adawlut, or by any other Courts of Judicature in the territories under the government of the East India Company, unless the petition for that purpose be presented within six calendar months from the day of the

Reg. IV. 1827. App. (T).

date of the judgment, decree or decretal order complained of, and unless the value of the matter in dispute in such appeal shall amount to the sum of ten thousand Company's rupees at least: and that, from and after the said 31st day of December next, the limitation of five thousand pounds sterling, heretofore existing in respect of appeals from the Presidency of Fort William in Bengal, shall wholly cease and determine.

2. That in all cases in which any of such courts shall admit an appeal to Her Majesty, her heirs and successors, in Council, it shall specially certify on the proceedings that the value of the matter in dispute in such appeal amounts to the sum of ten thousand Company's rupees or upwards, which certificate shall be deemed conclusive of the fact, and not be liable to be questioned on such appeal by any party to the suit appealed.

3. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to take away, diminish or derogate from the undoubted power and authority of Her Majesty, her heirs and successors, in Council, upon the petition at any time of any party aggrieved by any judgment, decree or decretal order of any of the aforesaid courts, to admit an appeal therefrom upon such other terms, and upon and subject to such other limitations, restrictions and regulations, as Her Majesty, her heirs and successors, shall in any such special case think fit to prescribe.

4. That on the arrival of the transcripts of proceedings in an appeal to Her Majesty, her heirs and successors, in Council, from any of the said courts of Sudder Dewanee Adawlut, or any other courts in the East Indies constituted by the East India Company, or any of their governments, from which an appeal lies to Her Majesty in Council, such officer of the East India Company as the Court of Directors of the said Company shall from time to time appoint shall forthwith give

notice to the clerk of the council thereof, stating at the same time the names of the parties to the appeal, and the date of the decree appealed from, and that such notice shall be duly registered in the Council Office. Reg. IV. 1827. App. (T).

5. That the said transcripts of proceedings shall be kept at the East India House, or at such other convenient place within the cities of London or Westminster as the said Court of Directors shall from time to time appoint; the agents respectively conducting and defending such appeals in this country being at liberty to take all the necessary copies and extracts from the said proceedings and to examine the same from time to time; and it shall be the duty of such officer, by himself or his sufficient deputy, to produce the original transcripts before the Judicial Committee upon the hearing of such appeal, upon due notice for that purpose previously given, and upon all other occasions when thereunto required by the Privy Council or the Judicial Committee.

6. That in default of the petition of appeal of the appellants being lodged in the Council Office within three calendar months from the registration of the arrival of such transcripts, or in default of the appellant's case being carried in within one year from the time of such registration, the respondent shall be entitled in either case to move to dismiss the appeal for want of prosecution; and in the event of the respondent's not bringing in his case within one year from the time of such registration, the appellant shall be entitled to apply to have the case heard *exparte*.

(Signed) C. C. Greville.

Reg. II. 1830.
Sup. I. to Reg. IV. of 1827.

REGULATION II., A.D. 1830.

SUPPLEMENT I. TO REGULATION IV. OF 1827.

A Regulation for modifying the Rules in respect to the Admission of Appeals:—passed by the Honourable the Governor in Council of Bombay on the 27th day of January, 1830, *corresponding with the 3rd Maha Sood Sumbut or Vikramajeet Era,* 1886, *Salbahan,* 1751, *Fusly,* 1239, *Soorsun,* 1230, *and 2nd Shaban,* 1245, *of the Hijree.*

Preamble.

Whereas in pursuance of the rule for all original suits being tried by native commissioners, it has been necessary to alter the provisions in respect to the admission of appeals, the following rules have therefore been enacted, to have effect from the date of promulgation.

Modifying the rules of Chapter XVI. of Regulation IV. of 1827, respecting the admission of appeals.

SECTION I.—*In modification of the rules respecting appeals contained in Chapter XVI. of Regulation IV. of* 1827, *it is hereby enacted, that decisions in appeals from the native commissioners, tried before the judge or the assistant judge at a detached station, or before the assistant judge at a sudder station when the jurisdiction to hear appeals is granted to such assistant, shall be open to appeal to the Sudder Dewanee Adawlut, when, if the decree of the native commissioner was confirmed, the sum adjudged, or at issue, amounted to or exceeded rupees* 3000; *or if modified or reversed, the sum disallowed, or at issue, amounted to or exceeded rupees* 1000.

A special appeal at all times allowed under rules.

SECTION II.—*A special appeal is open to the Sudder Dewanee Adawlut in all cases under the rules prescribed for the admission of appeals in Chapter XXII. of Regulation IV. of* 1827.

This Regulation is rescinded by Section I., Regulation VII. of 1831.

Reg. XII. 1830. Sup. II. to Reg. IV. of 1827.

REGULATION XII., A. D. 1830.

SUPPLEMENT II. TO REGULATION IV. OF 1827.

A Regulation for modifying the Rule provided in Clause I., Section III., of Regulation IV. of 1827, *for valuing Land in Civil Actions:—passed by the Governor in Council at Bombay on the* 17*th of March,* 1830, *corresponding with the* 8*th of Falgoon Vud Sambut or Vikramajeet Era,* 1886, *Salbahan,* 1751, *Fusley,* 1239, *Soorsun,* 1230, *and* 21*st Rumzan,* 1245, *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient to modify the provision of Clause I., Section III., Regulation IV. of 1827, in valuing land paying revenue to Government and free land in civil actions, the following rules have been enacted, to have effect from the date of promulgation.

Revenue land valued at the amount of the annual assessment.

SECTION I.—*Clause* 1*st.*—So much of Section III., Clause I. of Regulation IV. of 1827, as provides for the valuation of property at the rate of ten years' purchase, is hereby modified in respect to land paying revenue to Government, which, in plaints of civil actions, shall be valued at the amount of the annual assessment.

Enam and other free lands at ten times the net income of one year.

Clause 2*nd.*—Enam, and every other kind of rent-free lands, shall be estimated at ten times the net income of one year.

REGULATION VII., A. D. 1831.

SUPPLEMENT III. TO REGULATION IV. OF 1827.

A Regulation for modifying the Rules under which Appeals in Civil Suits are to be admitted:—passed by the Right Honourable the Governor in Council in Bombay on the 29*th June,* 1831, *corresponding*

Reg. VII. 1831. Supp. III. to Reg. IV. 1827.

with the 4th Jest Vud Sumbut or Vikramajeet Era, 1887, *Salbahan,* 1753, *Fusly,* 1241, *Soorsun,* 1232, *and 18th Mohurrum,* 1247, *of the Hijree.*

Preamble.

WHEREAS it has been found inconvenient to parties in distant zillas that the appeal from the assistant judge's decisions should lie only to the Sudder Dewanee Adawlut, the following Rules have been enacted, to take effect from the date of their promulgation.

Rescinding Clauses 1, 2, 3 of Section LXXII., Regulation IV. of 1827, and Regulation II. of 1830.

SECTION I.—The three first clauses of Section LXXII., Regulation IV. of 1827, and Regulation II. of 1830, are hereby rescinded.

Appeals from the decisions of Umeens to lie to zilla judge, who may refer them to his assistants.

SECTION II.—Decisions made by native commissioners may be appealed to the zilla judge, according to the rules contained in the sixteenth Chapter of Regulation IV. of 1827, as they may be modified by subsequent enactments, and such appeals may be referred for trial to assistant judges under the rules contained in Regulation I. of 1830, as they may be modified by subsequent enactments.

Decisions passed by an assistant judge at the Sudder station upon appeals so referred are open under certain restrictions to a further appeal to the zilla judge.

SECTION III.—*Clause 1st.*—If the decision of an assistant judge of the Sudder station confirm that of the native commissioner, it shall be appealable to the zilla judge, provided the matter at issue (that is, the property the disposal of which in the said decision is disputed, whether it be the whole or a part of that sued for) do not exceed in value (2000) two thousand rupees; but if the assistant judge's decision alter or reverse that of the commissioner, it shall be so appealable if the matter at issue do not exceed in value (1000) one thousand rupees. If the matter at issue be above these sums respectively, the appeal shall lie to the Court of Sudder Dewanee Adawlut.

* *

Also from an assistant judge at a detached station.

Clause 2nd.—If the decision of an assistant judge at a detached station confirm that of the commissioner, it shall be final if the matter at issue do not exceed in value (1000) one thousand rupees; but if the as-

sistant judge's decision alters or reverses that of the commissioner, it shall be final only if the matter at issue do not exceed in value (500) five hundred rupees. Reg. VII. 1831. Supp. III. to Reg. IV. 1827.

Clause 3*rd.*—When the matter at issue in an appeal decided by an assistant judge at a detached station is below the amount stated in the preceding clause as the limit of his final jurisdiction, the parties may proceed by special appeal to the zilla judge under the rules in Chapter XXII. of Regulation IV. of 1827, as they may be modified by subsequent enactments. Special appeal to the judge provided for in suits by which the provisions of the preceding clause are debarred from a regular appeal.

Vide Note to Clause 1st, Section XCIX. in Chapter XXII. of Regulation IV. of 1827.

Clause 4*th.*—And when the matter at issue in such appeal is above the amount of the assistant judge's final jurisdiction, it may be re-appealed to the zilla judge, if it do not exceed (5000) five thousand rupees, if it be above that sum, the appeal will lie to the Sudder Dewanee Adawlut. In suits not falling within the final jurisdiction of the assistant judge, a further appeal to lie to the judge when the amount does not exceed 5000 rupees, if above that sum, to the Sudder Dewanee Adawlut.

Clause 5*th.*—The zilla judge's decision on cases appealed to him shall be final, except by means of special appeal to the Sudder Dewanee Adawlut. The zilla judge's decision in appeals above referred to declared final, except by special appeal to the Sudder Dewanee Adawlut.

Section IV.—*Clause* 1*st.*—Suits referred to assistant judges for original trial, according to Regulation I. of 1830, Section V., shall be appealable to the zilla judge, whose decision shall be final if confirmatory of the original decision, and the matter at issue do not exceed in value (5000) five thousand rupees. Suits tried in the first instance by the assistant judge appealable to the zilla judge, whose decision is in certain cases made final.

Clause 2*nd.*—But otherwise they shall be appealable to the Sudder Dewanee Adawlut, to which court also the resort by means of special appeal under the general rules for that process continues open in all cases. And in others open to regular appeal to the Sudder Dewanee Adawlut, a special appeal lying in all cases to the court under the general rules.

Section V.—In modification of Clause 1st, Section XCIX., Regulation IV. of 1827, it is hereby made optional with the party desirous of making a special A petition for a special appeal may be presented either in the

Reg. VII. 1831. Supp. III. to Reg. IV. 1827.

appeal to the Court of Sudder Dewanee Adawlut to present his petition in that court as now practised, or to the zilla judge for transmission, when the zilla judge will immediately forward the same with copies of the decrees of the lower courts.

zilla court for transmission to the Sudder Dewanee Adawlut or as the law now stands at a court of Sudder Dewanee Adawlut.

Vide Act No. III. of 1843.

REGULATION V., A. D. 1827.

A Regulation defining the Limitations as to Time within which Civil Actions may be prosecuted, and containing Rules of Judication respecting written Acknowledgments of Debts executed without receipt of a full Consideration, also regarding Interest, the tendering Payment of Debts, and the Disposal of Property mortgaged or pledged:—passed by the Governor in Council on the 1st *January,* 1827, *corresponding with the* 4th *Poush Sood Sumbut, or Vikramajeet Era,* 1883, *Salbahan,* 1748, *and* 2nd *Jummadyool Akhir,* 1242, *of the Hijree.*

Consisting of five (5) Chapters, as below.

Chapter.	Title.	Section.
I.	Of Limitations of Time for prosecuting Civil Actions	I.
II.	Of Acknowledgments of Debts executed without Receipt of a full Consideration in Value	IX.
III.	Of the Rate of Interest, and the Period during which it may continue	X.
IV.	How a Claim to Interest is affected by Tender of Payment	XIV.
V.	Of the Disposal of Property mortgaged or pledged	XV.

Preamble.

WHEREAS it is conducive to the public security and the quieting of disputes, that limitations should be prescribed to the period within which civil suits may be instituted, and whereas justice, the interests of trade, and the easy and secure transaction of money

dealings require that the effect of written acknowledgments of debts, when the receipt of a full consideration is contested, should be defined and made known, and that certain provisions should be framed for the calculation of the interest of money, and for limiting the amount thereof, and for determining the effects of tenders of payment, and the rights of parties concerned in property mortgaged or pledged, the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF LIMITATIONS OF TIME FOR PROSECUTING CIVIL ACTIONS. *

In regard to persons exempted, under Section XXI., Regulation II. of 1827, Clause 2nd, and Section I. of Regulation XI. of 1827, Clause 2nd, from the operation of the code according to the treaty with the late Nawab of Surat, vide Act XVIII. of 1848.

Possession of land, &c. for more than thirty years a good title,

SECTION I.—*Clause 1st.*—Whenever lands, houses, hereditary offices, or other immovable property, have been held without interruption for a longer period than thirty years, whether by any person as proprietor, or by him and his heirs, or others deriving right from him, such possession shall be received as proof of a sufficient right of property in the same.

unless such possession was acquired by fraudulent means,

Clause 2nd.—But it shall be a sufficient answer to the plea of the possession for more than thirty years, that the person in possession as proprietor, or any of the persons by whom he derives his right, acquired such possession by fraudulent means, on proof whereof a suit may be entertained at any period within sixty years.

when it may be disturbed within sixty years,

except possession without fraud has extended to thirty years.

Clause 3rd.—Provided that if such property has been held for more than thirty years by a person or persons bonâ fide believing his or their title as pro-

prietors to be good, such title shall not be affected by the fraud of a former possessor.

When the person who committed the fraud is liable for damages within sixty years.

Clause 4th.—Nothing contained in this section shall bar an action of damages brought within sixty years against any of the persons by whom the fraud was committed.

Direct insult and injuries to the person actionable only within twelve months;

Section II.—*Clause 1st.*—In all suits for damages on account of assaults, imprisonment or other direct insult or injury to the person, it shall be a sufficient defence that the cause of action arose more than twelve months before the suit was filed.

also calumny and abuse;

Clause 2nd.—And in all suits for damages on account of calumny or slanderous words, it shall be a sufficient defence that the plaintiff had been in the knowledge of the calumny or slanderous words more than twelve months before the suit was filed.

also exclusion from caste.

Clause 3rd.—In all suits for recovering the right of participation in caste communications and privileges, it shall be a sufficient defence that the plaintiff had been acquainted with his exclusion from the caste more than twelve months before the suit was filed.

Suits for debt not supported by a writing, and all suits for damages not previously specified, competent only within six years;

Section III.—*Clause 1st.*—In all civil suits for debts not founded upon or supported by an acknowledgment in writing, and in all suits for damages other than those specified in the preceding section, it shall be a sufficient defence that the cause of action arose more than six years before the suit was filed.

how reckoned in running accounts.

Clause 2nd.—But in the case of running accounts the time shall be reckoned from the date of the last transaction.

All suits not previously specified competent within twelve years.

Section IV.—In all suits not falling under any of the limitations in the preceding sections of this Chapter, it shall be a sufficient defence that the cause of action arose more than twelve years before the suit was filed.

Special exception in the case

Section V.—*Clause 1st.*—But in all cases in which

of actions against the thakoor of Bhownuggur, for immovable property;

actions may be brought against the thakoor of Bhownuggar for lands or other immovable property as specified in Section I., Clause 1st, it shall be a sufficient answer that he acquired such previously to the 31st December, 1802, and has since held possession of the same under a title conferring a bonâ fide right of property.

and on any other ground;

Clause 2nd.—No other demand whatever against the thakoor of Bhownuggur, which is of a date prior to the 20th July, 1815, is cognizable in the courts of justice, even though the case should he a running account, and transactions should have occurred in the same subsequently to the above specified date.

with which exception suits are competent against him.

Clause 3rd.—Subsequent to the date specified in the two preceding clauses, all actions against the thakoor of Bhownuggur shall be subject to the usual limitations.

Special mode of calculating periods of limitations in the cases of creditors of ryots of the old Broach zilla.

Section VI.—And whereas from certain circumstances the creditors of ryots in the old Broach zilla did not enjoy the same facility as others in obtaining a hearing of their cases until 7th April, 1824, the period of time which has elapsed since the institution of the Broach Adawlut to the said 7th April, 1824, shall be rejected in calculating the periods of limitation as prescribed in Sections III. and IV., within which those suits, in the cases of those individuals, may be heard and determined.

Mode in which period of limitations are to be reckoned;

Section VII.—*Clause 1st.*—If however a defence be rested on any limitation of time heretofore specified in this Chapter, and the claimant proves that the defendant, or persons from whom he derives right, had admitted the justice of the demand, then the time of limitation shall be reckoned from the date of such admission, provided that, if the demand be founded on a written acknowledgment of any sort, the admission, if it shall have been made subsequently to the date

if the justice of the demand was admitted;

which shall be fixed for the commencement of the operation of this Regulation, must also be in writing.

or if investigation had been commenced and the absence of a decision is satisfactorily explained;

Clause 2nd.—Also if the claimant have within the time of limitation preferred his claim to any authority (arbitration included) competent to try it, and satisfactory reason be shown why a decision was not passed (such reason nowise affecting the justice of the demand), then the period of limitation shall be reckoned from the date of the last proceeding known to the defendant in such case.

or if the plaintiff was a minor or insane,

Clause 3rd.—And in cases of the minority or continued insanity of the claimant, no limitation shall bar the recovery of a claim sued for within six years of the minor attaining the age of eighteen years, or the insane person recovering the use of reason, and if a claimant die during such minority or insanity, the said period of six years from his death shall be applied to suits entered by his heirs or executors.

....ars shall be allowed at all events from his minority or recovery, or from his death;

except in certain suits for damages, for which one year only is allowed.

Clause 4th.—Except in actions for damages as described in Section II. of this Regulation, in which cases a period of only one year shall be allowed instead of the period of six years recited in the preceding clause.

Mortgaged property always recoverable,

Section VIII.—*Clause 1st.*—If a person claim to recover property held in mortgage, pledge, pawn or deposit, or by other title conferring only a right of possession and not a right of ownership, in such case no length of time shall prevent the court's entertaining the suit.

unless held in bonâ fide ownership for more than thirty years, if immovable property, or any period if movable.

Clause 2nd.—But should such property have been held, if immovable, for more than thirty years by a bonâ fide possessor as proprietor, or, if movable, for any time by a person possessing bonâ fide as proprietor under a right founded on an equitable consideration, such possessor shall not be disturbed, though an action of damages may be entertained against the person by whom it was illegally alienated.

When the first alienator may be sued.

CHAPTER II.

OF ACKNOWLEDGMENT OF DEBTS EXECUTED WITHOUT RECEIPT OF A FULL CONSIDERATION IN VALUE.

Writings in cases of debt not full proof of the amount, if contrary proof advanced,

SECTION IX.—*Clause 1st.*—Written acknowledgments of debt in any shape shall not be held conclusive in a court of law as to the amount, if the defendant show that a full consideration has not been received.

and in certain cases if merely contested by the defendant.

Clause 2nd.—And in the case of a cultivator of the soil, sued upon a written acknowledgment executed at a place which was not, at the time of such execution, under British jurisdiction, if the circumstances are such as to convince the court that the creditor might reasonably be expected to possess other proof of the amount besides such written acknowledgment, (the consideration received for the same being contested,) then the said writing shall not be held conclusive as to the amount, whether the defendant prove a deficiency in the consideration or not, but the court shall pass a decree for only such amount as the claimant may otherwise prove to be due.

CHAPTER III.

OF THE RATE OF INTEREST AND THE PERIOD DURING WHICH IT MAY CONTINUE.

Vide Act XXXII. of 1839 concerning the allowance of interest on debts recovered by actions in court.

Lawful interest to be such as is agreed upon or is usual;

SECTION X.—*Clause 1st.*—Whenever in any transaction a certain rate of interest has been agreed upon, or is demandable by the usage of trade or the custom of the country, such rate of interest shall be lawful and binding upon the parties.

or if such cannot be ascertained, then 9 per cent. per annum.

Clause 2nd.—Whenever in any transaction on which interest is due no certain rate has been agreed upon, or is demandable by the usage of trade or the custom

of the country, three quarters per centum per each month of 30 days shall be the judicial interest or rate allowed in courts of civil judicature.

Compound interest allowed after one year, if the contrary is not agreed upon;

SECTION XI.—In all transactions on which interest is due, whenever the debt or account is of more than one year's standing, compound interest shall be allowed, where there is no special agreement or usage to the contrary; and in such case the balance, including simple interest due at the Dewalee or other customary period of settlement in each year, shall be carried forward to the next year's account as a principal sum bearing interest.

but to cease after an interval of six years, the Hindoo law on the interest of money being also maintained.

SECTION XII.—Whenever, for the space of six years complete, no transaction has taken place in regard to a debt or account, whether by payment of money or delivery of goods made on either side, or by the debtor signing an account made up with interest, or making written acknowledgment that interest is to continue, all further interest shall cease; and it is hereby explained, that this Regulation is not meant to interfere with the rule of Hindoo law, which limits the interest of money to the amount of the principal, and which shall accordingly be maintained by the courts in all applicable cases.

Specification of prior enactments on the subject of interest;

SECTION XIII.—*Clause* 1*st*.—Whereas by Sections VI. and VII. of Regulation I. of 1814, passed on the 12th January of that year, for determining "the rate of interest on money in the provinces subject to the Presidency of Bombay," which Regulation has subsequently from time to time been extended to certain of the territories more recently acquired, it was provided, "that bonds or instruments which may appear to have been given after the expiration of twelve months subsequently to the issue of this Regulation, for the security and evidence of debts, and bearing

a higher rate of interest than twelve per centum per annum, shall not be recoverable in the courts of Adawlut; and that where suits may be prosecuted on bonds or instruments given prior to the issue of this Regulation, the Court of Adawlut shall not decree the adjustment of such debts at a higher rate of interest than twelve per centum per annum."

and application of them to territories subsequently acquired.

Clause 2nd.—And whereas principles of equity and the spirit of the Regulations require that the penal effects of the provisions above recited should not commence, with regard to the territories more recently acquired, until the expiration of twelve months subsequently to the passing of the Regulations extending the said provisions to each portion of territory respectively:

Provision resulting from such specification and application.

Clause 3rd.—Therefore it is hereby declared, that whenever a suit is instituted for the recovery of a debt due on a bond or other instrument executed prior to the 12th of January, 1815, in the territories specified in Appendix (A), or in the territories enumerated in Appendix (B), prior to the dates therein specified as applicable to each portion of the said territories respectively, the court shall not decree interest on such debt at a higher rate than twelve per centum per annum; and that no debt due on a bond or other instrument executed in the said territories on or after the said dates respectively, and prior to the date which shall be fixed for the commencement of the operation of this Regulation, shall be recoverable in any court, if it bear a higher rate of interest than twelve per centum per annum.

CHAPTER IV.

HOW A CLAIM TO INTEREST IS AFFECTED BY TENDER OR PAYMENT.

Interest ends upon a tender made.

SECTION XIV.—If a debtor can prove that he has tendered to a creditor the whole or any portion of the amount due, all further interest shall cease on the amount tendered.

CHAPTER V.

OF THE DISPOSAL OF PROPERTY MORTGAGED OR PLEDGED.

Mortgaged property, if not otherwise agreed, is sole security for the debt, principal and interest.

SECTION XV.—*Clause* 1*st.*—When a creditor is placed in possession of property, by mortgage or otherwise, as security for a debt, his claim over such property shall, in the absence of other special agreement, constitute his sole security for payment of the debt, or such part of it as the said property may have been given in security for, and interest thereon is to be considered as included in the said security.

Any profit from such property in such cases to be reckoned in lieu of interest.

Clause 2*nd.*—If the property yield profit, and no stipulation has been made respecting the disposal of the said profit or payment of interest on the debt, the profit shall be considered as equivalent for the interest.

Either party, unless otherwise agreed, may cause the debt to be defrayed from the property.

Clause 3*rd.*—In the absence of any special agreement or recognized law or usage to the contrary, either party may, at any time, by the institution of a civil suit, cause the property to be applied to the liquidation of the debt, the surplus, if any, being restored to the owner.

APPENDIX (A).

Territories within which Bonds or other Instruments bearing a higher Rate of Interest than 12 *per cent. per Annum, if executed prior to the* 12*th January,* 1815, *can recover in the Courts Interest at the Rate only of* 12 *per cent. per Annum, and if executed on or after the above-mentioned Date, and prior to the Date which may be fixed for the Commencement of the Operation of Regulation V. of* 1827, *are not always recoverable in any Court.*

SURAT ZILLA.

TERRITORY.

The city and port of Surat, and town of Randier and their dependencies.

The purgunnas of Chowrassee, Chiklee, Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor and Boharee.

The kusba of Bardolee, and the villages of Kutturgaum, Koomareea and Phoolpara.

BROACH ZILLA.

The town and purgunna of Broach, and the Purgunnas of Hansoot and Oklasur.

EASTERN ZILLA NORTH OF THE MYHEE.

The Enam town of Kaira and its dependencies, the tuppa of Naupar, and the purgunnas of Neriad, Mahtur, Moondha and Dholka, to the east of the Saburmutty river.

WESTERN ZILLA NORTH OF THE MYHEE.

The purgunnas of Dundooka, Gogo, Ranpoor and Dholka, to the west of the Saburmutty river.

ZILLA OF THE NORTHERN KONKAN.

The islands of Salsette and Carranjah, and their dependencies.

ZILLA OF THE SOUTHERN KONKAN.

Port Victoria and its nine (9) dependent villages; the fort and island of Sindboodroog in Malwan, the forts of Pudunghur, Rajkot and Serjeekot, with their dependent villages and lands, and the fort and valley of Vingorla.

APPENDIX (B).

Table showing the Territories rendered subject to the Regulations at various Periods subsequent to the passing of Regulation I. of 1814; *the Regulation or other Authority causing such Application of the Regulations and the Date, being one Year after the Date of such Authority, from which in each case the Provisions of Sections VI. and VII., Regulation I. of* 1814, *become of force in the same way as from the* 12*th January,* 1815, *in respect to the Territories specified in Appendix (A).*

SURAT ZILLA.

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced Operation.
Regulation I. of 1817.	The purgunna of Currode ..... The purgunnas of Bugwara and Turkeysir ..... The kusba of Mota, in Surat Attaveesy	23rd April, 1818.
Regulation III. of 1819.	The village of Mugdula with some adjoining lands of the village of Peeplod ..... The purgunna of Oolpar	14th April, 1820.

BROACH ZILLA.

Regulation VI. of 1817.	The purgunnas of Jumbooseer, Ahmod and Dejbara.....	27th Aug. 1818.

EASTERN ZILLA NORTH OF THE MYHEE.

Regulation I. of 1817.	The purgunna of Kupurwunj .... The tuppa of Bhalej ..... The four (4) villages of Sundana, Antroly, Wasna and Kurnej	23rd April, 1818.

EASTERN ZILLA NORTH &c.—(*continued*).

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced Operation.
Regulation III. of 1819.	The purgunnas of Mahmoodabad, Alena (except the two villages of Nicol and Sanoda), Antroly, Tasra and Duskuroee, to the east of the Kharee river..... The Peishwa's share of the Pitlaud purgunna ..... The town of Oomrut	14th April, 1820.

WESTERN ZILLA NORTH OF THE MYHEE.

Regulation III. of 1819.	The city of Ahmedabab .... The Duskuroe purgunna to the west of the Kharee river ..... The purgunnas of Veerumgaum and Purantej ..... The two (2) villages of Nicol and Sanoda, in the Alena purgunna.. The Peishwa's share of the districts of Byar, Hursol and Moorassa ..	14th April, 1820.

ZILLA OF THE NORTHERN KONKAN.

Regulation VI. of 1817.	The districts of Bellapoor, Autgaum and Kalian, and all the other territories of the Peishwa Bajee Row extending north of those districts as far as the Demaun river, and lying between the Ghauts and the sea	27th Aug. 1818.
Regulation III. of 1819.	The territories of the Peishwa Bajee Row extending south of the districts of Bellapoor, Autgaum and Kalian, as far as the Apta river, and lying between the Ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor in the Kurnala talooka	14th April, 1820.

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App. (B). ZILLA OF THE NORTHERN KONKAN—(*continued*).

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced Operation.
Treaty with the Colaba state.	So much of the Uoorwuleet turuf, north of the Apta, as belonged to the state of Colaba, with the exception of the following ten (10) villages and twenty-five (25) Khars *Villages.* — Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, Gowan ..... *Khars.* — Nandaee Neemba, Khar Washunee, Hurrichunder Peemplee, Kaljee Gobur, Boorey Boozoorg, Band Khar, Khat Khar, Waltee, Mhalaee, Sonkhar, Bhangaree-boozoorg, Rel Khar, Pond Khar, Shemptee, Waltee, Danwachakota, Chicklee-bhom, Motee Khar, Ranjun Khar, Hurischundur - kota, Gowendee, Boree - khoord, Booree - chakota, Kopur, Pota-cha-monoh. So much of the Toongartun Muhal, north of the Apta, as belonged to the state of Colaba, with the exception of the village of Wat. ..... The four (4) villages, Tulowrey, Chandajee, Goorvey and Nurol, in the Vuredy turuf. .... The two (2) villages, Dewroog and Khurwarboozoorg, in the Soonalee turuf ..... The village Amburjey, in the Sherey turuf ..... The village Ambolee, in the Burey turuf ..... The three (3) villages, Nitaley, Nourey and Khyruney in the Tulozeh turuf ..... The three (3) villages, Kampolee, Dewkur and Bhanwuj in the Bortee turuf	6th June, 1825.

ZILLA OF THE SOUTHERN KONKAN.

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced Operation.
Cessions by the Waree state.	The actual possessions of the Waree state in Wurar and Muloondee ..	29th Jan. 1815.
Regulation III. of 1829.	The territories of the Peishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karlee or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions: 1st.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zilla ..... 2nd.—The three (3) following villages in Chawool; viz. Waolee, Karley and Comprolee.. 3rd.—The five (5) following Warees in Chawool and Thul, viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow and Wursolee ..... 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda	14th April, 1820.
Regulation III. of 1820.	The nine (9) following sea coast villages in the turufs of Ajgaum and Paut, viz.: *Of Ajgaum.*—Raree, Arowlee, Seerodee..... *Of Paut.*—Dabolee, Kanolee, Keyloos, Mahapun, with the adjoining fort of Newtee, Konchuree, Purolen	17th May, 1821.
Treaty with the Colaba state.	So much of the Toongartun turuf situated south of the Apta river as belonged to the state of Colaba, with the exception of the village of Khuraree Boozoorg.....	6th June, 1825.

Regulation or other Authority.	Territory.	Date when Reg. I. of 1814 commenced Operation.
Treaty with the Colaba state.	The two (2) villages Wureree and Shetolee, and the four (4) Khars, Sonkhar, Dhadur Khar, Khar Dubaba and Dolvie Khar, in the Humrapoor turuf.....	6th June, 1825.

REGULATION VI., A.D. 1827.

A Regulation for admitting Persons to sue or defend in Suits or Appeals in Formâ Pauperis:—passed by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era 1883, Salbahan 1748, and 2nd Jumadyool Akhir, 1242, of the Hijree.

Preamble. WHEREAS it is necessary that provision should be made to enable certain persons to sue or defend in suits or appeals in formâ pauperis, who from their indigent circumstances would not otherwise have the means of asserting their rights in courts of justice, the following rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

A person wishing to sue as a pauper to present to the judge a petition on unstamped paper, SECTION I.—*Clause 1st.*—Whenever a person is desirous of instituting a suit in any court as a pauper, he may present to the zilla judge a petition on unstamped paper, which shall contain the particulars required by Regulation IV. of 1827, Section III., in regard to plaints.

with a written declaration of poverty on unstamped paper, *Clause 2nd.*—He shall at the same time present a declaration in writing on unstamped paper, that, besides his dwelling place, clothes, tools, and other necessaries of a value not exceeding twenty rupees in

the whole, he is not possessed of sufficient property to enable him to pay the probable expenses of the suit.

and a schedule of his property;

Clause 3*rd.*—The declaration shall be accompanied by a schedule of the whole of the property movable or immovable belonging to the petitioner, with the estimated value of such property.

and a certificate to support such declaration and schedule.

Clause 4*th.*—It shall further be accompanied by a certificate of the patel of the village in which the petitioner resides, or of one of the principal revenue or other officers of the district, or of some other person of respectability, purporting that such patel, district officer, or other person believes the facts stated in the declaration to be true, but the judge may dispense with the certificate if satisfactory reasons are assigned for its not having been obtained.

The judge may reject the application,

Section II.—*Clause* 1*st.*—The judge, on receiving the plaint, if he does not consider that the facts alleged constitute a reasonable ground for instituting a suit, shall reject it, but otherwise he shall require the petitioner to verify his assertion, both as to his claim and as to his poverty, either upon oath or by a solemn declaration, after being judicially admonished, and shall demand such further explanation from him under the like sanction as he may deem requisite.

or call upon the petitioner to verify his assertion of poverty,

*

a day being appointed for the investigation thereof.

*

Clause 2*nd.*—The judge shall further fix a day (of which at least ten days' previous notice shall be given both to the petitioner and to the person complained against) for receiving either before himself, one of his assistants, or one of the law officers of the court, such evidence as the petitioner may adduce in proof of his poverty, and such objections and evidence as the adverse party may offer to disprove it.

To be conducted in a summary manner, and whether the defendant appears or not.

Clause 3*rd.*—The investigation may be conducted in a summary manner, without reducing the evidence to writing, and may proceed whether the person complained against appears or not.

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If the poverty is proved the petitioner may sue as a pauper.

Restriction of the admission of persons to plead as paupers.

Section III.—*Clause 1st.*—If the investigation shall establish the fact of the plaintiff's poverty, the court shall admit him to sue as a pauper.

Clause 2nd.—But no person shall be permitted to sue as a pauper if it appears that, besides his dwelling place, clothes, tools, and other necessaries to the value of twenty rupees in the whole, he possesses property sufficient to defray the probable expenses of the suit, or that he has sold, mortgaged, or otherwise transferred any property for the purpose of being admitted to sue as a pauper.

Pauper suits conducted like others, but without expense to the pauper,

Section IV.—If the application of the petitioner is granted the suit may be filed, and shall proceed in the same way as an ordinary suit, excepting that the whole subsequent proceedings and pleadings on the part of the plaintiff, and the copies of any papers furnished to him in the suit, shall not be required to be upon stamped paper, and that he shall not be subjected to any charge for batta to peons, expenses of witnesses, fees of pleaders or otherwise, either on account of the suit, or for obtaining execution of the decree.

who is to be allowed a pleader.

Section V.—If a person admitted to sue as a pauper is unable to prevail on any of the authorized pleaders to undertake the management of his suit, the judge, if applied to, may appoint any one of them to do so.

The pauper's expenses how defrayed.

Section VI.—Such part of the expenses of the suit which would have been incurred by the plaintiff if he had not been a pauper, as may be due to individuals not on the establishment of the court, shall, if not paid by the pauper, be discharged by the collector, upon certificate under the signature of the judge.

Recorded,

Section VII.—On the conclusion of the suit, the whole of the costs which would have been incurred by the plaintiff, had he not been admitted to sue as a pauper, shall be ascertained and entered in the decree.

and recovered when the decree is in favour of the pauper;

SECTION VIII.—If the decree is in favour of the plaintiff, the costs, or such part of them as the court may decree, shall be recovered from the defendant for the benefit of the Government, the pleader and other parties entitled thereto, and in all cases the sum first recovered shall be applied to the payment of costs.

the same being recoverable from him under the ordinary rules when the decree is against him.

SECTION IX.—If the decree is against the plaintiff, the defendant, if payment of costs is awarded, may proceed against the plaintiff under the ordinary rules for the enforcement of decrees.

A person wishing to defend as a pauper to present to the court a petition, &c. on unstamped paper.

SECTION X.—*Clause* 1*st*.—If a defendant in a suit is desirous of pleading as a pauper, he shall present to the judge a petition on unstamped paper, setting forth his request and containing the declaration specified in Section I., Clause 2nd: the petition shall further be accompanied by the papers specified in Clauses 3rd and 4th of the above quoted Section.

The poverty to be verified,

Clause 2*nd*.—The judge, on receiving the petition, shall require the petitioner to verify the declaration in the manner prescribed in Section II., Clause 1st, of this Regulation, and the application shall thereupon be proceeded on in the manner prescribed in Clauses 2nd and 3rd of the same Section.

and the application disposed of as in the case of a plaintiff.

The defendant to plead in the same way.

Clause 3*rd*.—The defendant, if admitted as a pauper, shall be entitled to the same privileges and be subject to the same rules and provisions that apply to the case of a pauper plaintiff.

Pauper appellants and respondents admitted under the previous rules, except that the Sudder Dewanee Adawlut admits respondents in that court.

SECTION XI.—*Clause* 1*st*.—A person may also be permitted to sue or defend in appeal as a pauper under the rules respectively applying to plaintiffs and defendants in original suits; but if the appeal be to the Sudder Dewanee Adawlut, the respondent may at his option present his petition to be admitted as a pauper either to the Sudder Dewanee Adawlut, or to the zilla judge, by whom it shall be transmitted to the superior court.

Paupers in original suits ad-

Clause 2*nd*.—If the appellant or respondent was

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mitted as such in appeal, unless good cause be shown to the contrary.

recognized as a pauper in the original suit, he may be admitted to plead in the appeal also as a pauper without further investigation, unless cause is shown to the contrary.

The Sudder Dewanee Adawlut may direct compliance with applications.

SECTION XII.—It shall be competent to the Sudder Dewanee Adawlut, if applied to and after due investigation, to direct a person to be admitted to sue or defend as a pauper in any suit or appeal, although his application may have been refused by the zilla judge.

*

A false plea of poverty to be punished as perjury,

SECTION XIII.—A petitioner applying to be admitted to sue or defend as a pauper, who, after being sworn or judicially admonished, is guilty of wilful falsehood, shall be liable to the pains of perjury.

*

and groundless and vexatious suits punishable under the ordinary rules.

SECTION XIV.—Nothing contained in this regulation shall be understood as exempting a plaintiff, suing as a pauper, from the penalties enacted in Regulation IV. of 1827, Sections LIII. and LVI., and intervening Sections against persons instituting groundless and vexatious suits.

REGULATION VII., A.D. 1827.

A Regulation to facilitate the amicable Adjustment of Disputes of a Civil Nature by Means of Arbitrators (a Punchaet:)—passed by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Consisting of three (3) Chapters as below:

Chapter.	Title.	Section.
I.	Of the Appointment of Arbitrators for adjusting Disputes of a Civil Nature	I.
II.	Of the Proceedings of Arbitrators	IV.
III.	Of making, executing, and appealing from Awards	VIII.

Preamble.

WHEREAS it is desirable, for the easy and amicable settlement of disputes of a civil nature, that the parties

should have the means of adjusting them by arbitration, without being obliged to resort to a court of law, and that an award duly pronounced in such arbitration should have the force of a decree of court; and whereas it is desirable that, even after a suit has been instituted, the parties should have the means of submitting the matters in dispute, or any part thereof, to arbitration, and that the decree of the court should be passed in conformity with the award of the arbitrators, the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE APPOINTMENT OF ARBITRATORS FOR ADJUSTING DISPUTES OF A CIVIL NATURE.

All matters which may be grounds of action may be referred to arbitrators,

SECTION I.—*Clause* 1*st*.—Any such matter of dispute as is cognizable in a civil court may for the purposes specified in this Regulation be referred by mutual consent of the parties to one or more arbitrators, chosen in such manner as may be agreed on by the said parties.

even if a suit is pending, and any detached point may be so referred.

Clause 2*nd*.—And if an action at law have already been commenced, it shall not prevent the parties from resorting to arbitration at any stage of the suit, and they shall be at liberty so to refer the whole or any part of the matter in dispute, or any point of which proof may be required in elucidation of the question.

All amicable adjustment of disputes encouraged; but arbitration awards according to enactment open to particular consideration.

Clause 3*rd*.—It is clearly to be understood that nothing contained in this Regulation is meant to prohibit or discourage amicable adjustments, though made in a way different from that herein prescribed, provided that such adjustments shall not be entitled to the consideration conferred on arbitration awards by virtue of this Regulation.

No one compellable to act as arbitrator,

SECTION II.—*Clause* 1*st*.—No person shall be compelled to act as arbitrator, except he be acting as head

except a patel or revenue officer,

of a village, or hold some office in the revenue department, either directly or indirectly productive of profit, in which case he shall not be at liberty to decline acting on a deed of reference according to the form in Section III. tendered by parties residing within the limits over which his office extends, whether he be appointed sole arbitrator or member of an arbitration punchaet;

or commissioner,

Clause 2nd.—And except a commissioner for deciding civil suits, who shall not be at liberty to decline acting when appointed sole arbitrator by deed of reference as above said. But he shall be entitled, before commencing the investigation, to a fee of the same

who is to receive a fee.

amount as he would have received had the matter been tried before him as a regular suit, or if the amount at issue be greater than he may be authorized so to try, then to a fee equal to the highest which he is authorized to receive as a commissioner.

After the choice of arbitrators a deed of reference to be passed

Section III.—*Clause 1st.*—When the choice of the arbitrator or arbitrators has been made, the parties shall execute a deed of reference, which may be upon unstamped paper, showing the names of the arbitrator

containing all requisite particulars.

or arbitrators, the nature and extent of the matter referred, the date of reference, the time within which the award is to be given, the signatures of the parties and of two witnesses, and the consent of the parties to abide by the award, with any conditions that may be involved, such as whether the decision of a majority is to be conclusive, whether an umpire is to be appointed, &c.

The form in Appendix (A) need not be followed, but its substance must be given.

Clause 2nd.—A form of a deed of reference is annexed for public convenience in Appendix (A); but it is hereby explained, that it is not requisite that a deed of reference should be framed according to this form, provided only that it contain the matter and be framed according to the rules specified in the preceding Clause.

CHAPTER II.

OF THE PROCEEDINGS OF ARBITRATORS.

Arbitrators to conduct their inquiries as they think fit,

SECTION IV.—*Clause* 1*st.*—Arbitrators shall adopt such mode of inquiry and proof as may appear to them most conducive to ascertain the matters referred to them, and, if a deed of reference has been delivered to them in conformity with the provisions of the preceding section, shall be entitled to assistance in conducting the investigation as follows:

and to be entitled to assistance

from the court in summoning witnesses, administering oaths, &c.

Clause 2*nd.*—Any civil court having authority to enforce the attendance of witnesses and administer oaths or declarations to them shall employ the same at the requisition of arbitrators, to be expressed in a written petition, by the same means as if the witnesses were required in a matter before the said court, and the same rules for defraying the expenses of the witnesses and of serving the summons and generally of procuring evidence shall be followed, but no other costs, whether arising from stamped paper or otherwise, shall be incurred.

And from tulatees in drawing up writings.

Clause 3*rd.*—The arbitrators or parties shall, on application to the head of the village at which any of them may reside, receive assistance from any officer acting as accountant to the village, in drawing up any writing which may be required for the purposes of the arbitration.

Absence of either party no bar to the proceedings of the punchaet, according to its discretion.

SECTION V.—If either party, after due notice is given, refuse or neglect to appear before the arbitrators, it shall not preclude them from proceeding in the investigation and passing an award, if they consider that, under the circumstances of the case, the conditions of the reference would be thereby fulfilled.

The period limited for the award may be extended

SECTION VI.—*Clause* 1*st.*—The period limited for completion of an award may be extended at the pleasure of the parties, on their expressing the same and

fixing a new period in writing on the deed of reference, or on a paper attached to it; but the written attestation of two witnesses shall be necessary as originally in the deed of reference.

at the desire of the parties duly attested.

When an award is not given in time the arbitration is cancelled.

Clause 2nd.—But if an award be not completed within the period either originally fixed in the deed of reference, or afterwards fixed according to the rules in the preceding Clause, the arbitration shall be considered as cancelled, and the parties to be in the same relation as if no such arbitration had existed.

A suit on a matter under arbitration to lie over for the award.

Section VII.—If pending an arbitration a suit is filed by either party, the court, on application of the other party, and on proof that the suit and arbitration relate to the same matters, and that the time for making the award has not expired, shall stay proceedings until the reference be terminated.

CHAPTER III.

OF MAKING, EXECUTING AND APPEALING FROM AWARDS.

An award how to be drawn out and what to contain.

Section VIII.—*Clause 1st.*—The arbitration award, which may be upon unstamped paper, shall contain the names of the parties, the date of reference, the nature and value of the matter referred, and the decision made; it shall be dated and signed by the arbitrator if sole, otherwise by the majority which made the award, and by the umpire, if any.

The form in Appendix (B) need not be observed, but its substance must be given.

Clause 2nd.—A form of an arbitration award is annexed for public convenience in Appendix (B); but it is hereby explained, that attention to this form is not required, provided only that the award shall contain the matter specified in the preceding Clause.

Award and reference to be given in to the zilla court, or to a commissioner, within 15 days after the award is made,

Clause 3rd.—The award and deed of reference shall be presented and filed in the zilla court, or delivered to any civil commissioner to be forwarded to the zilla court for that purpose, by the arbitrators or parties, or

some one of them, within fifteen (15) days after the award is made, and they shall be accompanied by any documents which the arbitrators may consider requisite to put on record.

* *

copies of the award having been tendered to the parties, except in case of absence, which shall then be specified.

Clause 4th.—But previously to the award being so presented or delivered, the arbitrator, or arbitrators, shall tender to each party a copy of it, and the date of tender shall be specified by indorsement on the award, or if, by a party absenting himself, the tender cannot be made, the circumstance shall be noted on the award.

Notification of the filing of appealable award to be made.

Clause 5th.—When an award appealable under Section X., Clause 1st, is filed, a written notification thereof, in the language of the zilla, under the signature of the judge, or assistant judge, shall be affixed to a conspicuous place in the court room, and shall remain there until the period for appealing has expired.

Final awards considered as decrees, and executed as such.

Section IX.—*Clause 1st.*—Awards made and filed in conformity with the provisions and forms enacted in this Regulation, and final, either when filed, or by not being appealed against under Section X., shall have the force of decrees, and shall be executed as such, the suit, when such was before the court, being struck off the file as decided by arbitration; and if any question should arise respecting costs, which is not sufficiently provided for in the award, the judge shall determine it, or refer it for decision to any court to which he is authorized to refer for trial such a matter as was the subject of arbitration.

Awa made under the Regulation receivable in court as evidence only.

Clause 2nd.—Arbitration awards, or other adjustments, not made and delivered to be filed as prescribed in this Regulation, shall not be entitled to any other consideration in a court than as evidence or agreements to be adduced or proceeded on by ordinary course of law.

Awards made and filed under the Regulation

Section X.—*Clause 1st.*—Arbitration awards made and delivered to be filed as prescribed in this Regula-

final, but not if the punchaet sat in certain principal towns, except on special agreement.

tion shall be final, unless the punchaet was convened at the Sudder station of the zilla, or at any place where the court of a native commissioner is held; provided, however, that, if the parties by the deed of reference should expressly disclaim their right to appeal, the award of the punchaet wherever convened, if made and delivered to be filed according to law, shall be final.

Appeals from awards not final how filed and tried.

Clause 2nd.—Appeals against final awards not final under the foregoing Clause shall lie to the zilla judge; the petition of appeal shall be presented to the judge within thirty (30) days after notification of the filing of the award as provided in the 5th Clause of Section VIII., and in regard to trial and to further appeal shall be subject to the rules for appeals from the decisions of native commissioners as contained in Regulation IV. of 1827, Section LXXII., Clauses 1st and 2nd.

Clauses 1st and 2nd of Section LXXII. of Regulation IV. of 1827 are repealed by Regulation VII. of 1831.—Q. V.

APPENDIX (A).

Form of a Deed of Reference.

At [*here specify the place where the deed is executed*] on [*here specify the date*] we —— and —— [*here specify the parties executing the deed*] having a dispute regarding a balance of account [*or other ground of dispute of whatever nature*] dated [*here enter date of the balance or other necessary particulars of other ground of dispute*] to the amount of rupees —— constitute you the following five [*or as the case may be*] persons [*here specify their names*] our arbitrators for adjusting the same, engaging to abide by whatever decision the punchaet acting according to justice and good conscience may pass, by virtue of this our deed of reference.—The award of the punchaet is to be delivered within ten [*or as the case may be*] days. The opinion of the majority shall determine the judgment

of the punchaet, or four members at least must concur to form the judgment of the punchaet, [*or otherwise, as the case may be*]. If a judgment is not found by the above named arbitrators, we appoint [*here specify the name*] umpire [*or* " the arbitrators shall within —— days from this date appoint an umpire," *or otherwise as the case may be*], whose decision shall be given within —— days after his appointment, and shall determine the judgment.

[*Signed by the parties*].

Witnessed by

[*Signed by the witnesses*].

APPENDIX (B).

Form of an Arbitration Award.

At [*here specify the place where the award is made*] on [*here specify the date*] I [*or* " we," *as the case may be, the name or names being also specified*] the arbitrator [*or* " arbitrators," *or* " the umpire and arbitrators," *as the case may be*] appointed at [*here specify the place*] on [*here enter the date*] by [*here enter the name of the parties*] to investigate and decide their dispute regarding [*here enter the grounds of dispute*] of the value of [*or* " to amount of," *or as the case may be*] hereby decide that [*here enter the particulars of the decision*].

Signed by the arbitrator or arbitrators or a majority thereof [*as the case may be*] and by the umpire if there be one.

To be indorsed on the Award.

A copy of this award was tendered on [*here enter the date*] to the party [*here specify the name*] who declined receiving it.

Signed as above.

or,

A copy of this award was delivered on the [*here enter the date*] to the party [*here specify the name*].

Signed as above.

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or,

The party [*here enter the name*] having absented himself, we have been unable up to this day [*here enter the date*] to tender to him a copy of this award.

Signed as above.

REGULATION VIII., A D. 1827.

A Regulation to provide for the formal Recognition of Heirs, Executors and Administrators, and for the Appointment of Administrators and Managers of Property by the Courts:—passed by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Consisting of two (2) Chapters as below.

Chapter.	Title.	Section.
I.	Rules for the Recognition of Heirs, Executors and Administrators, when there is a competent Claimant.....	I.
II.	Of the Appointment of an Administrator by the Zilla Court, when there is no Heir or Executor competent and willing to be placed in Possession.	IX.

Preamble.

WHEREAS at the same time that it is in general desirable that the heirs executors or legal administrators of persons deceased should, unless their right is disputed, be allowed to assume the management, or sue for the recovery of property belonging to the estate, without the interference of the courts of justice, it is yet in some cases necessary or convenient that such heirs, executors or administrators, in order to give confidence to persons in possession of or indebted to the estate to acknowledge and deal with them, should obtain a certificate of heirship, executorship or administratorship from the zilla court:

And whereas whenever there is no person on the spot entitled or willing to take charge of the property of a person deceased, or when the right of succession is disputed between two or more claimants, none of whom has taken possession; or where the heirs are incompetent to the management of their affairs, and have no near relations entitled and willing to take charge on their behalf; or where a person possessed of property dies intestate and without known heirs, it is essential that the zilla court should appoint an administrator for the management of the estate; the following rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

On the subject generally of this Regulation, see Acts XIX. and XX. of 1841, made applicable to the Bombay Presidency by Act VIII. of 1842.

CHAPTER I.

RULES FOR THE RECOGNITION OF HEIRS, EXECUTORS AND ADMINISTRATORS, WHEN THERE IS A COMPETENT CLAIMANT.

The legal heir, &c. of a person deceased is competent to represent him, without recognition from the court,

Section I.—Whenever a person dies leaving property, whether movable or immovable, the heir or executor or legal administrator may assume the management, or sue for the recovery of the property, in conformity with the law or usage applicable to the disposal of the said property, without making any previous application to the court to be formally recognized.

but if such recognition is requested,

Section II.—*Clause 1st.*—But if an heir, executor or administrator is desirous of having his right formally recognized by the court, for the purpose of rendering it more safe for persons in possession of or indebted to the estate to acknowledge and deal with him, the judge on application shall issue a proclama-

a proclamation will be issued,

tion in the form contained in Appendix (A), inviting all persons who dispute the right of the applicant to appear in the court within one month from the date of the proclamation and enter their objections, and declaring, that if no sufficient objection is offered, the judge will proceed to receive proof of the right of the applicant, and if satisfied, grant him a certificate of heirship, executorship or administratorship.

and effectually published;

Clause 2nd.—The proclamation shall be published in the manner directed in Regulation IV. of 1827, Section VIII., Clause 10.

and if no objection appears the recognition will be granted.

Section III.—If at the expiration of the time mentioned in the proclamation no sufficient objection has been made, the court shall forthwith receive such proof as may be offered of the right of the person making the claim, and if satisfied, shall grant a certificate in the form contained in Appendix (B), declaring him the recognized heir, executor or administrator of the deceased.

If an objection appears, the same to be examined,

Section IV.—*Clause 1st.*—If before the expiration of the time any objection is made to the right of the person claiming as heir, executor or administrator, the judge, on a day to be fixed (of which at least eight days' previous notice shall be given to the parties),

and the recognition given or refused accordingly;

shall summarily investigate the grounds of the objections on the one hand, and of the right claimed on the other, examining such witnesses or other evidence as may be adduced by the parties, and either grant or refuse a certificate as the circumstances of the case may require.

unless the question is complicated or difficult, when the matter must be left for regular adjudication.

Clause 2nd.—But if from the evidence adduced it appears that the question at issue between the parties is of a complicated or difficult nature, the judge may suspend proceedings in the application for a certificate until the question has been tried by a regular suit instituted by one of the parties.

SECTION V.—Whenever an executor is formally recognized under the rule contained in Section IV., the authenticity of the will, if any, by which he is appointed shall be proved, and the certificate of executorship shall be indorsed thereon.

The authenticity of wills and recognitions, how certified and registered.

SECTION VI.—All wills so proved, and all certificates of heirship, executorship and administratorship shall be registered in the general register before being delivered up to the owners.

A recognized heir, &c. is competent to manage the property;

SECTION VII.—*Clause* 1*st.*—An heir, executor or administrator, holding the proper certificate, may do all acts and grant all deeds competent to a legal heir, executor or administrator, and may sue and obtain judgment in any court in that capacity.

but his recognition gives him no title to the property,

Clause 2*nd.*—But as the certificate confers no right to the property, but only indicates the person who for the time being is in the legal management thereof, the granting of such certificate shall not finally determine nor injure the rights of any person; and the certificate shall be annulled by the zilla court upon proof that another person has a preferable right.

nor does it relieve him from responsibility to all claimants.

Clause 3*rd.*—An heir, executor or administrator holding a certificate shall be accountable for his acts done in that capacity to all persons having an interest in the property, in the same manner as if no certificate had been granted.

Refusal of a recognition no judgment against the claim of the applicant.

SECTION VIII.—The refusal of a certificate by the judge shall not finally determine the rights of the person whose application is refused, but it shall still be competent to him to institute a suit for the purpose of establishing his claim.

I. Act XX. of 1841 provides for the grant, on application, by a zilla judge of a certificate, which shall be conclusive of the representative title of the party holding it against all debtors of a party deceased, and shall be a sufficient warranty to them to pay their debts; and no debtor shall be compelled to pay without production of such certificate, unless no reasonable doubt exist as to the party entitled.

Reg. VIII. 1827. Chap. I.

II. Certain privileges in regard to law proceedings and stamps are provided for native officers and soldiers under particular circumstances by Regulation XV. of 1816, Bengal Code (see Appendix to the Civil Branch), made applicable to the Bombay Presidency by Act XV. of 1845.

CHAPTER II.

OF THE APPOINTMENT OF AN ADMINISTRATOR BY THE ZILLA COURT WHEN THERE IS NO HEIR OR EXECUTOR COMPETENT AND WILLING TO BE PLACED IN POSSESSION.

When the heir, &c. is present but undetermined

SECTION IX.—Whenever there is no person on the spot entitled and willing to take charge of the property of a person deceased, where the right of succession is disputed between two or more claimants, none

* *

of whom has taken possession, or where the heirs are incompetent to the management of their affairs from

or incompetent,

infancy, insanity or other disqualification, and have no near relations entitled and willing to take charge on

the judge may appoint an administrator,

their behalf, the judge, within whose jurisdiction such property is, may appoint an administrator for the management thereof until the lawful heir, executor or administrator appears, or the right of succession is determined, or the disqualification of the heir is removed, as the case may be, when the judge on being satisfied of the facts shall direct the administrator in charge

to be duly accountable when the emergency is at an end.

to deliver over the property to such person, with a full account of all receipts and disbursements during the period of his administration.

If the heir, &c is unknown, an administrator to be appointed,

SECTION X.—*Clause 1st.*—Whenever any person dies intestate, and without known heirs, leaving property, the judge, within whose jurisdiction the property is, shall appoint an administrator for the manage-

* * *

and a proclamation issued

ment thereof, and shall issue a proclamation in the form contained in Appendix (C), calling upon the heir of the deceased, or any person entitled to receive charge of the property, to attend and prefer his claim.

Clause 2nd.—The proclamation shall be published in the manner prescribed in Regulation IV. of 1827, Section VIII., Clause 10; and if the deceased was a native of any district or country without the limits of the court's jurisdiction, and the property is of the value of rupees one thousand (1000) local currency or upwards, the proclamation shall also be published in the Bombay Courier or other Government newspaper.

and published.

Clause 3rd.—If any person appears and satisfies the judge of his right to the possession of the property, or any part of it, as heir, executor, administrator or otherwise, it shall be delivered up to him after deducting the necessary expenses of management.

The heirs, &c. appearing to be put in possession,

Clause 4th.—But if no person appears and establishes his right, the judge, on the 31st December next after the completion of twelve months from the appointment of the administrator, shall make a report of the circumstances of the case to the Suddur Dewanee Adawlut, accompanied by an inventory and valuation of the property; and it shall be lawful for the Sudder Dewanee Adawlut either to direct the property to continue for a further period under the management of the administrator or to be sold by him under the authority of the court, and the proceeds to be deposited in the public treasury for the eventual benefit of all concerned.

and if no heir appears, reference to be made to the Sudder Dewanee Adawlut,

who will grant a further time, or order the property to be sold, and the amount to be held in deposit.

Section XI.—Whenever an administrator is appointed by the judge under Sections IX. and X. of this Regulation, he shall, previously to entering upon the execution of his office, give security in a sum to be fixed by the judge for the faithful discharge of his trust, and he shall be entitled to such remuneration as the judge may fix for his trouble, but subject to modification by the Sudder Dewanee Adawlut on the complaint of any person interested.

Administrators appointed by the court to give proper security,

and to be remunerated at the discretion of the judge, and in certain cases the Sudder Dewanee Adawlut.

Reg. VIII. 1827. Chap. II.

Act No. XIX. of 1841 provides, that whenever a person dies leaving movable or immovable property, the judge of the zilla wherein the property is situated, on application being made to him by a party claiming the property of deceased within six months of his death, and after satisfying himself of the existence of strong grounds for believing that the party in possession, or taking means for seizing possession, has no lawful title, and that the ap-applicant has such title, may determine summarily the right to possession, and detain possession accordingly, but that this shall be no impediment to the bringing a regular suit; and pending the summary decision in regard to possession, the judge may appoint a curator of the property.

Vide Note II. at the close of Chapter I.

For Forms of Certificates, &c., issued under Acts XIX. and XX. of 1841, see the Circular Order of the Sudder Dewanee Adawlut, dated 23rd April, 1847.

APPENDIX (A).

Form of Proclamation to be issued when a Person applies to be recognized as Heir, Executor or Administrator of one deceased.

PROCLAMATION.

In the Court of the Zilla of ——.

Whereas A. B., inhabitant of ——, died at —— on or about the —— day of ——, and whereas C. D., inhabitant of ——, has presented an application to the judge of the said zilla for the purpose of being formally recognized as heir [" executor" *or* " administrator," *as the case may be*] of the said A. B.: this is to give notice to all persons who may dispute the right of the said C. D. as heir [" executor" *or* " administrator," *as the case may be*] of the said A. B. to appear in the court of the said zilla within one month from the date of this proclamation, there to enter their objections; and it is hereby declared, that if no sufficient objection is offered before the expiration of that period, the said judge will forthwith proceed to receive proof of the said C. D.'s right, and to grant him, provided he shall appear entitled thereto, a certificate of heirship [" exe-

cutorship" *or* " administratorship,"*as the case may be*] of the said A. B. deceased.

Dated at ——, this —— day of ——.

(Signed) By the Judge,
Senior Assistant Judge,
or Junior Assistant Judge.

APPENDIX (B).

Form of Certificate to be granted to the recognized Heir, Executor or Administrator of one deceased.

In the Court of the Zilla of ——.

Whereas A. B., inhabitant of ——, died at —— on or about the —— day of ——, and application was made by C. D., inhabitant of ——, to the judge of the said court to be formally recognised as heir [" executor," *or* " administrator," *as the case may be*] of the said A. B.; and whereas the usual proclamation having been issued, no sufficient objection was offered to the right of the said C. D.; and whereas the said C. D. thereupon gave proof to the satisfaction of the court of his right to be recognized as heir [" executor" *or* " administrator," *as the case may be*] of the said A. B.:

This therefore is to certify that the said C. D. is the recognized heir [" executor" *or* " administrator"] of the said A. B. deceased.

Dated at ——, this —— day of ——.

(Signed) By the Judge,
Senior Assistant Judge,
or Junior Assistant Judge.

APPENDIX (C).

Form of Proclamation to be issued when a Person dies intestate and without known Heirs, leaving Property.

PROCLAMATION.

In the Court of the Zilla of ——.

Whereas A. B., inhabitant of ——, died at —— on

Reg. VIII. 1827. App. (C).

or about the —— day of ——, leaving the following property at ——, within the said zilla, viz. [*here specify the property*], and whereas no will of the said A. B. has been found, nor is it known if he has any heirs: this is to give notice to all persons claiming to be heirs or to be entitled to receive charge of the said property to attend and prefer their claim in the said court, in order that, on such claim being proved, the said property may be delivered up to them.

Dated at ——, this —— day of ——.

(Signed) By the Judge,
Senior Assistant Judge,
or Junior Assistant Judge.

REGULATION IX., A.D. 1827.

A Regulation for establishing a Register of Title Deeds and a General Register of Deeds, Obligations, and other Writings, in each Zilla subordinate to the Presidency of Bombay:—passed by the Governor in Council on the 1st of January, 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Chapter.	Title.	Section
	Consisting of three (3) Chapters, as below:	
I.	Of the Form and Nature of the Register of Title Deeds, and the General Register respectively, and of the Mode of registering Documents.....	I.
II.	Of the Effect of Registration in the Register of Title Deeds, and special Provisions in favour of ancient Documents and of the Grant of Copies of registered Deeds	VI.
III.	Of the Effect of Registration in the General Register.	IX.

Preamble.

WHEREAS it would be conducive to the security of titles to immovable property, and greatly facilitate the

transfer of such property by sale, gift, mortgage, or otherwise, that a register of title deeds should be established in each zilla, and that deeds entered therein should be allowed such a preference as to give the holder an obvious interest in presenting them for registration: Reg. IX. 1827. Chap. I.

And whereas by establishing also a general register in each zilla for all other deeds, obligations, and writings of whatever nature, effectual means would be provided for the preservation of copies of writings, and great facility afforded in proving their contents in the event of the original being lost or destroyed, the following Rules are therefore enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE FORM AND NATURE OF THE REGISTER OF TITLE DEEDS AND THE GENERAL REGISTER RESPECTIVELY, AND OF THE MODE OF REGISTERING DOCUMENTS.

Establishment of a register of title deeds and of a general register.

SECTION I.—*Clause* 1*st*.—There shall be an office in each zilla for the registry of deeds and other papers, in which two separate registers shall be kept, the one to be called "The Register of Title Deeds," and the other "The General Register."

Each register how composed and kept.

Clause 2*nd*.—The registers shall consist each of such number of books as may provide for the convenient registration of the various documents to be registered therein, and they shall be kept respectively in the forms contained in Appendix (A).

The senior assistant judge to be superintendent of the register.

SECTION II.—*Clause* 1*st*.—The superintendence of these registers shall be vested in the senior assistant judge, and in case of his death, absence, or indisposition, in the officer appointed to officiate in his stead by Regulation II. of 1827, Section XXVIII., Clause 3rd.

Reg. IX. 1827. Chap. I.

And the register's office to be open for two hours every day.

Clause 2nd.—The office shall be open for the despatch of business during at least two hours daily, holidays excepted, and a written notice of the hours during which it is open shall be fixed up in some conspicuous part thereof.

Register of title deeds to contain all writings relative to the title to immovable property.

Section III.—*Clause 1st.*—The register of title deeds shall be appropriated to the registry of sunnuds, deeds of sale, gift, devise, or mortgage of lands, houses, offices, or other immovable property, situated within the zilla; of awards of arbitrators, determining the right to such property so situated; and of deeds of release or discharge of mortgages, or other incumbrances affecting the same; and generally of all documents relating to the right and title to immovable property within the zilla.

Decrees registered at the option of the holder.

Clause 2nd.—Decrees (including awards of arbitrators possessing the force of decrees under Regulation VII. of 1827, Section IX., Clause 1st,) and other judicial processes affecting the right or title to immovable property situated within the zilla, may, at the option of the holder, be registered in the register of title deeds; but it is hereby explained, that the force and effect of such documents is in nowise to depend on their being registered.

The general register to receive all other documents.

Section IV.—The general register shall be appropriated to the registry of wills, contracts, bonds, leases for the temporary occupancy of land or other property, decrees, references to and awards of arbitrators, and in general of all deeds, obligations, and writings of a different nature from those provided for in the preceding Section.

Each document for registry to be presented by the owner or his agent with the authorized fee.

Section V.—*Clause 1st.*—The owner of a deed or other writing, who is desirous of having it registered, shall present it himself, or by an agent bearing his power of attorney for the purpose, to the superintendent or other person acting in the office under his

*

authority, with the fee specified in Appendix (B), without payment of which the document shall not be received. Reg. IX. 1827. Chap. I.

Clause 2nd.—A separate book; to be called "The Book of Entries," shall be kept for each of the two registers, in the form contained in Appendix (C); and it shall be the duty of the superintendent, or other person acting in the office under his authority, immediately on receiving a deed or writing, to enter in the proper book of entries the day and hour in which it was presented, the name of the person presenting it, the nature of the writing, the description of property to which it relates, and the name of the person in whose favour the writing was executed; and if it relates to immovable property, the name of the place in which it is situated. The time of presentation and other necessary particulars to be noted in the book of entries,

Clause 3rd.—The entry shall at the time it is made be signed by the superintendent, and by the person who presented the writing to be registered. But in case of the absence of the superintendent, it shall be signed in his stead by the person in the office acting under his authority, and as soon after as practicable shall be countersigned by himself. and the entry to be signed by the superintendent,

Clause 4th.—The deeds and writings presented for registry shall be copied at full length in the proper register in the order in which they stand in the books of entries, and the copies shall be carefully compared with the original, and be attested by the signature of the superintendent. Documents to be copied in the order noted in the book of entries.

Clause 5th.—Each leaf of the register shall be paged with its number written in letters at length, and bear the signature of the superintendent, who shall also note in his own handwriting on the first and last page of each book the number of pages contained in it, and attest the note with his official signature. The register to be duly paged and authenticated,

Clause 6th.—The superintendent shall cause to be marked on the margin of the book of entries, opposite and references duly made in the book of entries,

to the register.

to the entry of each deed or other writing, the number of the volume, and the page or pages thereof in which it is entered in the register.

Registered documents on receipt given, to be returned,

Clause 7th.—The original deed or other writing, after being registered, shall be returned to the owner or the person who presented it, who shall sign a receipt for it on the margin of the entry in the book of entries.

indorsed with a certificate of registration,

Clause 8th.—But before it is returned, the superintendent shall sign a certificate, indorsed on it as follows:—"Registered in the —— page of the —— volume of the Register of Title Deeds [*or*, 'General Register,'] kept for the zilla of ——, for the year ——, having been presented at —— o'clock of the —— day of —— of the said year."

[*Signed by the Superintendent*].

which shall be good proof thereof.

Clause 9th.—The certificate, so indorsed and signed, shall be held in all courts of justice to be sufficient evidence of the registry.

CHAPTER II.

OF THE EFFECT OF REGISTRATION IN THE REGISTER OF TITLE DEEDS, AND SPECIAL PROVISIONS IN FAVOUR OF ANCIENT DOCUMENTS; AND OF THE GRANT OF COPIES OF REGISTERED DEEDS.

Documents registered in the register of title deeds to have preference over documents not registered,

Section VI.—*Clause 1st.*—Every deed or other writing, transferring or mortgaging immovable property, situated within the zilla, if registered in the register of title deeds, shall, without regard to the date of execution, if proved to be valid, be preferred to and satisfied before any deed of the nature of those specified in Section III., Clause 1st, either subsequently registered, or not registered at all; but this preference shall extend only to the immovable property thereby transferred or mortgaged: *Provided however, that, if*

any person shall purchase, receive in gift, or take in mortgage immovable property, knowing such property to have been previously sold, given, or mortgaged to any other person, and that the deed of sale, gift, or mortgage, has not been registered, and shall register his own deed, in such case the registered deed shall not, from the registry of it, be entitled to preference over the unregistered deed, if proved to be authentic.

except in cases of fraud,

Clause 2nd.—Deeds or other writings, transferring or mortgaging immovable property, if not registered in the register of title deeds, shall not on that account be invalidated or null; but shall stand, in regard to each other, unaffected by the rules relating to registration.

unregistered deeds not being thereby invalidated.

I. All provisions contained in previous Regulations touching the knowledge or notice had by parties to registered conveyances, and other instruments affecting titles to land and other interests therein, of the existence of unregistered instruments affecting such interests, are repealed from 1st May, 1843, by Act I. of 1843.

II. Act XIX. of 1843 enacts, that from 1st May, 1843, every deed of sale or gift of real property, and every deed of mortgage of real property, as well as certificates of the discharge of such incumbrances, provided such deed be duly registered and its authenticity established, shall invalidate any other unregistered deed. Under the same Act, no instrument affecting land other than such deed or certificate aforesaid is to be held invalid for want of registration.

III. In regard to persons exempted from the operation of the Code under the treaty with the late Nuwab of Surat, a special provision respecting registration of deeds is contained in Act XVIII. of 1848.

Specification of former enactments in favour of documents passed in the original Surat zilla previously to 1st September, 1802.

Section VII.—*Clause* 1st.—And whereas by the fourth section of Regulation IV. of 1802, for establishing a registry for wills and deeds, for the transfer or mortgage of real property, as far as regards Surat and Randier and their dependencies, and the purgunnas of Chowrassy and Cheeklee, (which Regulation subsequently from time to time has been extended to

certain of the territories more recently annexed to the presidency of Bombay, it was left to the option of all persons to register or not any deeds of sale or gift of lands, houses, or other real property, as well as certificates of the discharge of mortgages executed prior to the 1st September, 1802; and it was provided, that the not registering such deeds should in nowise operate to the prejudice of the rights of parties thereto:

and application of these enactments to other territories.

Clause 2nd.—And whereas principles of equity and the spirit of the said Regulations require that the date of passing each Regulation for the introduction of the Code of Regulations should, with regard to the territories to which it applies, be substituted for 1st September, 1802, in determining questions respecting the right of preference between registered and unregistered deeds:

Reservation of rights resting on the said enactments,

Clause 3rd.—Therefore it is declared that the Rules enacted by the present Regulation shall not extend to deeds of sale, or other documents, executed prior to the 1st September, 1802, so far as regards Surat and Randier and their dependencies, and the purgunnas of Chowrassy and Cheeklee, and executed prior to the date of each Regulation respectively, as specified in Appendix (D), so far as regards the other territories to which such Regulation applies.

and of privileges founded on other enactments specified in Appendix (E), and in like manner applied.

Clause 4th.—Nothing contained in this Regulation shall affect the privileges of deeds of mortgage or sale, or of other writings founded on the enactments contained in Appendix (E), viz. Section XIV. of Regulation III. of 1799, applicable until 27th August, 1807, when Regulation VI. of 1807 was passed, to Salsette and Caranja, and Section XIV., Regulation I. of 1800, enacted originally for Surat and Randier and their dependencies, and made applicable, when the Surat jurisdiction was extended on the 6th July, 1802, by the passing of Regulation I. of that year, to the pur-

gunnas of Chowrassy and Cheeklee, and various Sections of Regulation IV. of 1802, enacted originally for the Surat jurisdiction extended as above mentioned, and both made applicable by subsequent Regulations to other districts on the dates respectively specified in Appendix (D) to this Regulation.

The register of title deeds open to general inspection, and copies of papers allowed to be taken, on application and payment of fees.

Section VIII.—The register of title deeds shall be open to the inspection of all who apply to the superintendent, or to the person in the office acting under his authority, and copies of all writings in the register may be taken by such as require them, or authenticated copies be procured from the superintendent, provided the fee respectively prescribed in Appendix (B) be previously paid.

CHAPTER III.

OF THE EFFECT OF REGISTRATION IN THE GENERAL REGISTER.

The general register gives documents no privileges, but facilitates their authentication.

Section IX.—*Clause 1st.*—The registry of writings in the general register shall give them no privilege over writings not registered, the only object of the general register being to preserve copies of writings, and to facilitate the proving of their contents, in the event of the originals being lost or destroyed.

It is not open to general inspection, but its contents may be seen or copied, on application to the judge, by parties concerned.

Clause 2nd.—The general register shall not be open to public inspection; but persons having an interest in writings registered therein may be allowed to take copies, or be furnished with authenticated copies, on applying to the judge, and paying the fee prescribed in Appendix (B).

Vide Notes to Section VI.

APPENDIX (A).

FORM FOR THE REGISTER OF TITLE DEEDS.

The Register of Title Deeds in the Zilla of —— for the Year ——.

	Page fifty-four.
Deed of Sale.	[*Copy of the Deed at full length.*]
Purgunna of ——.	
Village of ——.	A TRUE COPY.
Lands of ——.	
Presented for Registry.	
Date,——.	(Signed) By the Superintendent.
	Page seventy-two.
Will of ——.	[*Copy of the Will at full length.*]
Purgunna of ——.	
Village of ——.	A TRUE COPY.
Dwelling-house and tiled shed.	
Presented for Registry.	
Date,——.	(Signed) By the Superintendent.

FORM FOR THE GENERAL REGISTER.

The General Register for the Zilla of —— for the Year ——.

	Page forty.
Deed of Partnership.	[*Copy of the Deed at full length.*]
Trade in Timber.	
Ramchunder Sewram and Trimbuck Balajee.	A TRUE COPY.
Presented for Registry.	
Date,——.	(Signed) By the Superintendent.

	Page eighty-nine.
Lease of House.	[*Copy of the Lease at full length.*]
Purgunna of ——.	
Village of ——.	A TRUE COPY.
Presented for Registry.	
Date,——.	(Signed) By the Superintendent.

APPENDIX(B).

Table of Fees to be paid for the Registry of Writings in the Register of Title Deeds and General Register, for Copies of Writings Registered, and for Searches in the Register.

	Rs.		
For registering each writing not exceeding 400 words in length	2	0	0
If above 400 words, for every 200 additional words one rupee, provided that the fee shall in no case exceed..	5	0	0
For every search in either register.....	1	0	0
For every attested copy not exceeding 400 words in length	1	0	0
If above 400 words, for every 200 additional words one rupee, provided that the fee shall in no case exceed..	5	0	0

APPENDIX (C).

FORM FOR THE " BOOK OF ENTRIES," TO BE KEPT FOR THE REGISTER OF TITLE DEEDS.

The Book of Entries for the Register of Title Deeds in the Zilla of ——.

Description of Document.	When presented.	Particulars.
Deed of Sale. Purgunna of ——. Village of ——. Lands of ——.	182—. 17th August. 1 P. M.	A. B. [*or* " C. D., agent for A. B.," *as the case may be*], presented a deed of sale of the lands of ——, in the village of ——, in the purgunna of ——, executed by —— in favour of the said —— for the purpose of being registered in the register of title deeds. (Signed) By the Superintendent.

Reg. IX. 1827. App. (C).

Description of Document.	When presented.	Particulars.
Will of ——. Purgunna of ——. Village of ——. Dwelling-house and tiled shed.	182—. 19th Sept. 11½ A. M.	A. B. [*or* "C. D., agent for A. B.," *as the case may be*], presented the will of ——, bequeathing a dwelling-house and a tiled shed to —— and others, for the purpose of being registered in the register of title deeds. (Signed) By the Superintendent.

FORM FOR THE "BOOK OF ENTRIES," TO BE KEPT FOR THE "GENERAL REGISTER."

The Book of Entries for the General Register in the Zilla of ——.

Description of Document.	When presented.	Particulars.
Deed of Partnership. Trade in timber. Ramchunder Seuram and Trimbuk Balajee.	182—. 12th April. 12 at Noon.	Ramchunder Seuram presented a deed of partnership regarding trade in timber, executed between himself and Trimbuk Balajee, for the purpose of being registered in the General Register. (Signed) By the Superintendent.
Lease of a House. Purgunna of ——. Village of ——.	182—. 2nd June. 11 A. M.	A. B. [*or* "C. D., agent for A. B.," *as the case may be*], presented a lease of a house situated in the village of ——, in the purgunna of ——, granted by C. D. to the said A. B., for the purpose of being registered in the General Register. Signed as above.

APPENDIX (D).

Statement showing the respective Dates on which the Provisions of Regulation IV. of 1802 *became applicable to other Districts than those for which the Regulation was originally passed; Deeds of Sale and other Documents, if executed in each case prior to the respective Dates specified, being privileged without Registry.*

SURAT ZILLA.

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
Preamble to Regulation II. of 1805.	The eight (8) purgunnas of Bulsar, Parneira, Bhootsur, Parchol, Soopa, Surbhan, Walor, and Boharee	31st Dec. 1802.
	The kusba of Bardolee	
	The three (3) villages of Kuttergaum, Koomarea and Phoolpara..	
Preamble to Regulation I. of 1817.	The purgunna of Currode	5th June, 1816.
Regulation VI. of 1817.	The purgunna of Bhugwara	6th June, 1817.
Regulation III. of 1819.	The purgunna of Turkeysir	28th Nov. 1817.
	The kusba of Mota	
	The village of Mugdula, with some adjoining lands of the village of Peeplod.....	
	The purgunna of Oolpar.....	

BROACH ZILLA.

Regulation II. of 1805.	The purgunnas of Hansoot and Oklasur	14th May, 1805.
	The town and purgunna of Broach ..	
Regulation VI. of 1817.	The three (3) purgunnas of Jumbooseer, Ahmod and Dejbara.....	5th June, 1817.

EASTERN ZILLA, NORTH OF THE MYHEE (KAIRA).

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
Regulation II. of 1805.	The tuppa of Naupar..... The enam town of Kaira and its dependencies ..... The three (3) purgunnas of Neriad, Mahtur and Moondha ..... Sixteen villages of Dholka, east of the Saburmutty river	14th May, 1805.
Regulation I. of 1817.	The purgunna of Kupurwunj ..... The tuppa of Bhalej ..... The four (4) villages of Sundana, Antroly, Wasna and Kurnej	5th June, 1816.
Regulation III. of 1819.	The five (5) purgunnas of Mahmoodabad, Antroly, Alena (except the two villages of Nikol and Sanoda), Tasra and Duskuroee, to the east of the Kharee river ..... The Peishwa's share of the Pitlaud purgunna ..... The town of Oomrut.....	6th June, 1817.

WESTERN ZILLA, NORTH OF THE MYHEE (AHMEDABAD).

Regulation II. of 1805.	The three (3) purgunnas of Dundooka, Ranpoor and Gogo..... The purgunna of Dholka, except sixteen (16) villages which are east of the Saburmutty river.....	14th May, 1805.
Regulation III. of 1819.	The city of Ahmedabad..... The Duskuroee purgunna to the west of the Kharee river ..... The purgunna of Veerumgaum..... The two (2) villages of Nikol and Sanoda in the Alena purgunna.... The purgunna of Purantej..... The Peishwa's share of the districts of Byar, Hursol and Moorassa.....	6th June, 1817.

ZILLA OF THE NORTHERN KONKAN.

Though not so specifically enacted, the islands of Salsette and Caranjah and their dependencies have been subject to Regulation IV. of 1802 from the date of its enactment

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
Regulation VI. of 1817.	The districts of Bellapoor, Autgaum and Kalian, and all the other territories of the Peishwa Bajee Row extending north of those districts as far as the Demaun river, and lying between the Ghauts and the sea ..	5th June, 1817.
Regulation III. of 1819.	The territories of the Peishwa Bajee Row extending south of the districts of Bellapoor, Autgaum and Kalian as far as the Apta river, and lying between the Ghauts and the sea, with the exception of the town of Apta, and the villages of Korulwaree and Sendapoor, in the Kurnally talooka	2nd Sept. 1818.
Treaty with the Colaba state.	So much of the Uoorwuleet turuf north of the Apta as belonged to the state of Colaba, with the exception of the following ten (10) villages and twenty-five (25) Khars *Villages.* — Woolvie, Turghur, Dapolee, Kopur, Pohee, Parengur, Koondeywal, Masor, Awrey, Gowan ..... *Khars.*—Nandaee Neemba, Khar Wasunee, Hurrichunder Peemplee, Kaljee Gobur, Boorey Boozoorg, Band Khar, Khat Khar, Waltee, Mhalaee, Sonkhar, Bhangaree-boozoorg, Rel Khar, Pond Khar, Shemptee, Waltee, Danwacha-kota, Chiklee-bhom, Motee Khar, Ranjun Khar, Hurischundur-kota, Go-	6th June, 1824.

ZILLA OF THE NORTHERN KONKAN—(*continued*).

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
Treaty with the Colaba state.	wendee, Boree-khoord, Booree-cha-kota, Kopur, Pota-cha-moonh	6th June, 1824.
	So much of the Toongartun Muhal north of the Apta as belonged to the state of Colaba, with the exception of the village of Wat	
	The four (4) villages Tulowrey, Chandajee, Goorvey and Nurol, in the Vuredy turuf.....	
	The two (2) villages Dewroog and Khurwarboozoorg, in the Soonalee turuf	
	The village Amburjey, in the Sherey turuf	
	The village Ambolee, in the Burey turuf.....	
	The three (3) villages Nitaley, Nourey and Khyruney, in the Tolozeh turuf.....	
	The three (3) villages Kampolee, Dewkhur and Bhanwuj, in the Bortee turuf	

ZILLA OF THE SOUTHERN KONKAN.

Regulation III. of 1803.	Fort Victoria and its nine (9) dependent villages	5th Aug. 1803.
Regulation XI. of 1814.	The fort and island of Sindoodroog, in Malwan, and the forts of Puddunghur, Rajkot and Serjeekot, with the villages and lands dependent on the said forts, the fort and valley of Vingorla, and the cessions by the Waree state in Wurar and Muloondee	2nd Nov. 1814.

ZILLA OF THE SOUTHERN KONKAN—*continued.*

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802 became applicable.
Regulation III. of 1819.	The territories of the Peishwa Bajee Row, bounded on the north by the Apta river, and on the south by the Karlee, or Malwan river, and lying between the Ghauts and the sea, with the four (4) following exceptions: 1st.—The Oonderee talooka, except the village of Khar Dolvie, which village belongs to the zilla ..... 2d.—The three (3) following villages in Chawool, viz. Waolee, Karley and Komprolee .. 3d.—The five (5) following Warees in Chawool and Thul, viz. Pakaree Rameshwur, Pakaree Bolawee, Ramajee Mahadeo, Veesajee Keshow, and Wursolee..... 4th.—The oarts belonging to and situated without the walls of the fort of Rewdunda.....	2nd Sept. 1818.
Regulation III. of 1820.	The nine (9) following sea coast villages in the turufs of Ajgaum and Paut, viz. *Of Ajgaum.*—Raree, Arowlee, Seerodee ..... *Of Paut.*—Dabolee, Kanolee, Keyloos; Mahapun, with the adjoining fort of Newtee; Konchuree, Purolen.....	17th Feb. 1819.
Treaty with the Colaba state.	So much of the Toongartun turuf situated south of the Apta river as belonged to the state of Colaba, with the exception of the village of Khuraree boozoorg.....	6th June, 1824.

Regulation or other Authority.	Territory.	Date when Reg. IV. of 1802, became applicable.
Treaty with the Colaba state.	The two (2) villages Wureree and Shetolee, and the four (4) Khars, Sonkhar, Dhadur Khar, Khar Dubaba, and Dolvie Khar, in the Humrapoor turuf	6th June, 1824.

APPENDIX (E).

Enactment referred to in Regulation IX., *Section* VII., *Clause 4th, as remaining in force so far as to preserve the Privileges of Deeds of Mortgage or Sale, or of other Writings registered in conformity with the Provisions of those Enactments respectively.*

Section XIV. of Regulation III. of 1799, and of Regulation I. of 1800.

Mortgage to be registered.

Section XIV.—The judge is prohibited decreeing the payment or satisfaction of any sum due on a mortgage bond, entered into after the 1st of January, 1800, unless such mortgage bond shall have been registered in his court at the time of passing it, of which rule public notice is to be issued throughout his jurisdiction.

Extract from Regulation IV. *of* 1802, *being "A Regulation for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property, as far as regards Surat and its Dependencies:—passed by the Honourable the Governor of Bombay on the 8th of July,* 1802, *whilst at that Settlement, in the full Possession and exclusive Exercise of the entire Powers of the Bombay Government, and thereafter confirmed by the Governor in Council on the 20th of August* 1802, *corresponding with the*

8th Shravun-Vud Sumbut or Vikramajeet Era, 1859, *Salbahan*, 1724, *and 20th of Rubee-ul-Akhir*, 1217, *of the Hijree.*

Memorandum of the following deeds to be registered:

Section III.—*Clause 1st.*—The register is authorized and required to register memorials of the following deeds:

Deeds of sale and gift of real property:

Clause 2nd.—Deeds of sale or gift of lands, houses, and other real property:

Mortgages and incumbrances, and certificates of the discharge of them:

Clause 3rd.—Deeds of mortgage on lands, houses, and other real property, as well as certificates of the discharge of such incumbrances:

Limited assignments and temporary transfers:

Clause 4th.—Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property:

Wills:

Clause 5th.—Wusseatnamahs or wills:

Authorities to women to adopt sons after the death of their husbands.

Clause 6th.—Written authorities from husbands to their wives to adopt sons after their (the husbands') demise.

Option left of registering any of the deeds specified in the preceding Sections executed, or that may be executed, prior to 1st of September.

Section IV.—It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding Section (mortgage bonds excepted) that have been executed, or which may be executed, prior to the 1st of September. The not registering such deeds shall in nowise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds specified in the three last clauses of Section III., whether executed before or after 1st September, may be registered or not, at the option of the parties.

Section V.—It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in Clauses 4th, 5th and 6th, of Section III., whether executed previous or subsequent to the 1st of September; the not registering of the deeds specified in those three Clauses shall in nowise operate to the prejudice of the

Reg. IX. 1827. App. (E).

rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deed of sale of gift executed subsequent to the 1st of September.

Section VI.—*Clause* 1*st.*—Every deed of sale, or gift of the description specified in Clause 2nd, Section III., that may be executed on or after the 1st of September, and a memorial of which shall be duly registered according to this Regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property executed subsequent to the said date, which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deeds of mortgage registered under Section XIV., Regulation I., 1800, to be discharged in preference to mortgages granted subsequently to that date not registered.

Clause 2*nd.*—Every deed of mortgage of the description specified in Clause 3rd, Section III., that shall have been or shall be registered in pursuance of the requisition in Section XIV., Regulation I., 1800, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding Clauses applicable to cases in which persons may purchase, take on gift, or mortgage property knowing it to have been previously sold, given, or mortgaged.

Clause 3*rd.*—It being the object however of the rules in the two preceding Clauses to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property, which may have been before sold, given, or mortgaged, and as persons can never suffer such imposition when they are apprised of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given or mortgaged to any other person, and that the deed of sale, gift, or mortgage has not

been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not, from the registry of it, invalidate, or be discharged, in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.

Section VII.—The registry of all deeds shall be made in the register's office of the civil court, under the jurisdiction of which the property affected by them may be situated.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

Section VIII.—*Clause 1st.*—Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the judge of the civil court, who shall note in his own handwriting, on the last page of each book, the number of pages contained in each book, and attest the note with his official signature.

No register shall be deemed authentic excepting such as shall be paged and attested.

Deeds registered to be numbered, date of the registry, &c. to be noted in the margin of the register, register to be deposited in court.

Clause 2nd.—Every deed entered in a register book shall be numbered; and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books, which shall be deposited amongst the records of the civil court.

Forms to be observed in the registry of deeds.

Section IX.—*Clause 1st.*—The following forms shall, from the first of September next, be observed in the registry of deeds, of which due notice shall be issued by the judge of the civil court of Surat.

Forms.

Clause 2nd.—The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the register's office, and prove by oath, before the register, the due execution of the deed,

Reg. IX. 1827. App. (E).

upon which the register shall cause an exact copy of the deed to be entered in the proper register book, and, after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signature to the copy, in the presence of two creditable witnesses, (whose names shall also be subscribed thereto), and shall then return the original, with a certificate under his signature indorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

SECTION X.—The certificate of the register, indorsed agreeably to the forms described in Clause 2nd of the preceding Section, shall be considered in all courts of justice to be sufficient evidence of the registry.

REGULATION XIII., A.D. 1828.

SUPPLEMENT I. TO REGULATION IX. OF 1827.

A Regulation for enabling Assistant Judges, when expedient, to keep the Registers prescribed by Regulation IX. of 1827, *when stationed in the Districts:—passed by the Governor in Council of Bombay on the 20th of August,* 1828, *corresponding with the* 10*th Shravun Soọd Sumbut, or Vikramajeet Era,* 1884, *Salbahan,* 1750, *Fusly,* 1238, *Soorsun,* 1229, *and* 8*th Suffer,* 1244, *of the Hijree.*

Preamble.

WHEREAS for the convenience of the community within the limits of the civil jurisdiction which may be placed under an assistant judge by virtue of Clause 2nd, Section XXVIII., Regulation II. of 1827, it is

judged advisable that Government, if it may so deem it expedient, shall be empowered to direct that the registers of deeds and general register, established by Regulation IX. of 1827, be kept by the assistant judge for the whole or any part of his jurisdiction, the following Rules have therefore been enacted, to have effect from the date of promulgation. REG. XIII. 1828.

When an assistant judge is stationed elsewhere than at the seat of the zilla court, under the provisions of Clause 2nd, Section XXVIII., Regulation II. of 1827, the registers for deeds and other documents, established by Regulation IX. of 1827, may, if the Governor in Council shall so determine, be kept by the assistant judge for the whole or any portion of his jurisdiction as Government may direct. Registry of deeds, &c. may be confided to assistant judges, if stationed in the districts.

REGULATION X., A.D. 1827.

A Regulation for trying and deciding Disputes regarding the Boundaries of Villages, by means of a Special Commission:—passed by the Governor in Council on the 1st of January, 1827, corresponding with the 4th Poush Sood Sumbut, or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242 of the Hijree.

Consisting of three (3) Chapters, as below.

Chapter.	Title.	Section.
I.	Of constituting a Commission for the Trial of Disputes regarding Boundaries, and of appointing its Members	I.
II.	Of the Proceedings of the Commission	IV.
III.	Of executing and appealing from the Judgments of the Commission	XIII.

WHEREAS disputes regarding the boundaries of villages Preamble.

Reg. X. 1827. are often productive of great public injury, by preventing the cultivation of the lands in dispute, and exciting feelings of animosity between neighbouring villages; and whereas the progress of a revenue survey through a zilla, or any part thereof, offers great advantages for the adjustment of such disputes, from the ready means afforded both of measuring and inspecting the lands, and of examining evidence upon the spot; and whereas for these reasons it may often be found expedient to connect with the revenue survey a commission for deciding disputes concerning the boundaries of villages, which, without impeding the amicable adjustment of such disputes by arbitration or otherwise, may try and determine all that remain unadjusted when the survey of each village is made, whereby the survey may also become a permanent record of the true boundaries of the villages, the following Rules have therefore been enacted, to take effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

Act III. of 1846 provides for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

CHAPTER I.

OF CONSTITUTING A COMMISSION FOR THE TRIAL OF DISPUTES REGARDING VILLAGE BOUNDARIES, AND OF APPOINTING ITS MEMBERS.

Commission for deciding boundary disputes when to be appointed;

Section I.—*Clause* 1*st.*—Whenever a revenue survey is undertaken in a zilla, or any part thereof, it shall be competent to the Governor in Council to appoint a commission for the purpose of hearing and deciding disputes between villages respecting their boundaries in the manner prescribed in this Regulation.

how to be designated, and pro-

Clause 2*nd.*—The commission shall be designated "The Commission for deciding Boundary Disputes

in the Zilla of" [*or*, "in the district of," *as the case may require*], and the appointment of such commission, with its object, shall be announced by a proclamation in the form contained in Appendix (A).

proclamation of its formation;

Clause 3*rd.*—The proclamation shall be issued by the collector of the zilla in which the survey is about to be commenced, and shall be published by being read aloud in the market-place of the principal town in each camavisdarship, mamlutdarship, or district of similar extent, over which the survey extends, and by being fixed up in every such market-place, in every court, and in every collector's kutchery within the zilla or district.

how to be issued.

Section II. —*Clause* 1*st.*—The commission shall consist of not less than three members, to be appointed by Government; one of whom shall be taken from the officers of the revenue survey, and another from the land revenue department of the respective zilla, and the remaining member or members from either the survey or any civil department.

Commission to be constituted of not less than three members, how selected.

Clause 2*nd.*—Any two of the members shall be competent to proceed, and, if they agree in opinion, to pass a decision; but if they disagree, they shall suspend proceedings until they are joined by a third member, when the decision shall be regulated by the opinion of the majority.

Two members when competent to proceed, and a third when required.

Section III.—Each commissioner, previously to executing any of the functions of his office, shall take and subscribe, before the judge of the zilla in which he is to act, or before any other person whom the Governor in Council may authorize to administer it, the oath contained in Appendix (B).

Oath of the members of the commission.

CHAPTER II.

OF THE PROCEEDINGS OF THE COMMISSION.

When a boundary is to be defined, notice to be given to the patel of the village and to the patels of neighbouring villages.

Section IV.—*Clause* 1*st.*—When a special commission has been appointed to define the boundaries of a village, the commission shall give at least eight days' previous notice in writing, in the form contained in Appendix (C), to the head patel of such village, and to the head patels of all the villages whose lands adjoin those of the village to be surveyed, apprising them that the boundary of the village is about to be defined, and requiring them to attend, at a time to be fixed in the notice, each with the village accountant or watchmen, or others acquainted with the boundaries of their respective villages, for the purpose of pointing out the limits to which they extend.

Disputes not submitted to arbitration, or entered for trial, will be decided, and the boundary fixed.

Clause 2*nd.*—The notice shall further apprise them, that, if there is a dispute regarding the boundary, the parties may resort to private arbitration, or refer the dispute to the commissioners, or any of them, for arbitration, provided that the award be produced within a certain time, (to be not less than fifteen days from the date of reference, and to be fixed by the commission,) or may enter the claim for trial before the commission; but that, unless on or before the day appointed for defining the boundary some one of those methods be adopted, the commission will fix the landmarks according to the information which it may possess, and those landmarks will thenceforward be held to define the true boundary of the village.

When arbitration is resorted to, time to be allowed, which may be extended.

Consequence of its being exceeded.

Section V.—*Clause* 1*st.*—If, on the day appointed for defining the boundary, there should be an unadjusted dispute, upon which a deed of reference to arbitrators is produced, the commission shall stay proceedings for such period as it may judge proper to allow for the receipt of the award; and if, at the expi-

ration of such period, no award has been given in, the commission, if it shall not think fit to extend the period for the receipt of the same, shall proceed as if no deed of reference had been passed.

When arbitration is not resorted to, and the claim not entered, dispute how determined.

Clause 2nd.—If there should be an unadjusted dispute, upon which no deed of reference to arbitration is produced, the commission shall enter the same for trial, and try and decide it under the rules hereinafter contained in Sections VI. and X. and intervening Sections, in the same way as if a claim had been previously preferred and entered for trial; and if there should be a doubt as to which of the villages should prosecute, the commission shall decide that question.

Disputes to be entered by written application reciting the circumstances,

SECTION VI.—*Clause 1st.*—When a dispute is entered for trial before the commission, a written application shall be made, specifying the name of the village claiming; the name of the village affected by the claim; the extent and estimated value of the land in dispute; whether cultivated or lying waste; if occupied, by whom; the time, if known, when such occupancy commenced, and the specific grounds on which such land is claimed as belonging to the village.

under the signature of the patel and village accountant.

Clause 2nd.—The application shall be signed by the patel of the village entering the claim, and shall be countersigned by the village accountant.

Applications how numbered and indorsed,

SECTION VII.—*Clause 1st.*—The application shall be numbered and dated by indorsement in the order in which it is received, and such indorsement shall be signed by one of the commissioners.

and registered.

Cause 2nd.—It shall also be registered in a book, to be kept according to the form contained in Appendix (D).

Notice to be given to the village on which the claim is made to make answer.

SECTION VIII.—*Clause 1st.*—When such application is received, the commissioners shall, by a written notice, copies of which shall also be fixed up in conspicuous places in the village, inform the patel of the village

against which the claim is made of the boundary in dispute as claimed by the other village, and shall call upon him, on or before a day to be fixed, to state the claim of his village by a written application similar to that prescribed in Clause 1st of Section VI. of this Regulation.

Proceedings on the receipt of the answer,

Clause 2nd.—When the said written application has been delivered, the commission shall proceed to investigate and decide the dispute by taking such evidence and considering such proofs as may be adduced by the parties.

and in default of the receipt of the same by the time fixed,

which may however be extended,

Clause 3rd.—But if the written application be not delivered within the period fixed, the commission shall proceed exparte by means of such evidence and proof as may be before it; but this is not to preclude an extension of the period for good reasons.

witnesses may be examined on oath or admonished,

and for false evidence shall be punished as for perjury.

Section IX.—*Clause 1st.*—Whenever witnesses are examined by the Commissioners, the evidence may be taken in either of the modes prescribed in Regulation IV. of 1827, Section XXXIV., and a witness wilfully giving false evidence before them shall be liable to the punishment of perjury.

Evidence to be vivâ voce, and notes to be taken in English.

Clause 2nd.—The witnesses shall be examined vivâ voce, and notes of all material parts of their evidence shall be taken down and put on record in the English language, and signed by the commissioners.

Process and judgments of the commission in what language to be written and how to be recorded.

Section X.—*Clause 1st.*—Notices, orders and judgments of the commission, and applications made to it, shall be in the language of the country in which it acts, and copies shall be recorded on its proceedings, which latter shall be in English.

Substance of its judgments, which, with all other papers, may be procured by the parties.

Clause 2nd.—Each judgment shall recite not only the decision, but the reasons for it, and a copy of it, as well as of any other part of its proceedings, shall be furnished, if applied for, to either party.

An award before decision to regulate the judgment.

Section XI.—If an award of arbitrators, accompanied by a deed of reference, according to the provi-

sions of Regulation VII. of 1827, Section III., respecting any matter before the commission, be produced previously to its passing judgment, the commission shall cease from investigation, and shall pass judgment conformably to the award. Reg. X. 1827. Chap. II.

Section XII.—*Clause* 1*st.*—When the functions of the commission cease in any zilla, the whole of the records of its proceedings as to claims regarding boundaries of land shall be deposited with the record of civil proceedings in the Adawlut of the zilla, but such parts of them as are no longer required for the purpose of the commission may be deposited with the said record before that period. Records of the commission to be deposited at its close, or before, if convenient, in the Adawlut,

Clause 2*nd.*—And the collector of the zilla shall be at liberty to take copies of the whole or any part of these proceedings after they have been so deposited. the collector being at liberty to take copies.

CHAPTER III.

OF EXECUTING AND APPEALING FROM THE JUDGMENTS OF THE COMMISSION.

Section XIII.—When judgment has been given, the Commissioners shall cause the landmarks to be fixed in conformity thereto, which landmarks shall be held to define the true boundary, unless the judgment be appealed from as hereinafter specified. Landmarks to be fixed after judgment,

Section XIV.—The judgment of the commissioners shall be final, unless an appeal therefrom be presented to the judge of the zilla within ninety days from the date of such judgment. which is final, unless an appeal be made to the zilla judge within ninety days.

Section XV.—*Clause* 1*st.*—Appeals from judgments of the commissioners shall be received and tried by the judge of the zilla, and shall be subject to the same rules, with the exception specified in the preceding section, as to institution, trial and further appeal, as appeals from decrees in suits originally tried by a senior assistant judge. Appeals how to be received and tried,

Reg. X. 1827. Chap. III.

and the proceedings of the commission how procured.

Clause 2nd.—The judge of the zilla, on receiving an appeal from a judgment, the proceedings and records of which have not already been forwarded to him, shall issue a precept to the commission for transmission of the same.

Decree of the zilla court how to be executed.

Section XVI.—And if the decree finally passed in appeal determine other boundaries than those specified in the judgment of the commission, the zilla judge shall issue a precept addressed to the commission, if it be still acting, and, if it be no longer acting, to the collector of the zilla, by whom respectively new landmarks shall be placed on the disputed boundary, conformably to the decree of the court.

APPENDIX (A).

FORM OF PROCLAMATION.

The Honourable the Governor in Council having granted a commission under date —— day of ——, to —— and ——, as commissioners for hearing and deciding disputes between villages in the zilla of —— [*or* " district of ——," *as the case may require*] respecting their boundaries, be it therefore known, that the said commissioners, or such others as may hereafter be appointed by order of Government, will proceed throughout the said zilla [*or* " district"], and in the course of their progress will be ready to hear and decide all disputes between villages regarding their boundaries that may be brought before them, either as arbitrators, where the parties mutually agree to that mode of adjustment, or by trial in all other cases, that so disputes may cease and each village enjoy its own land in peace.

And be it further known, that whenever villages may have settled their boundaries by agreement between themselves or by arbitration, before the arrival

of the commission in such villages, the settlements so made will be respected. Reg. X. 1827. App. (A).

Dated at ——, this —— day of ——.

(Signed) By the Collector.

APPENDIX (B).

OATH OF THE COMMISSIONER.

I ——, appointed commissioner for hearing and deciding disputes between villages in the zilla of —— [*or* " district of ——," *as the case may require*] respecting their boundaries, do solemnly swear that I will perform the duties of my office with impartiality and integrity, to the best of my knowledge and ability, so help me God.

(Signed) By the Commissioner.

APPENDIX (C).

FORM OF NOTICE.

To (A. B.) head patel of the village of ——————

Take notice, that the boundary of the village of —— will be marked out on the —— day of —— or following day; you will therefore attend with the accountant and watchmen of your village, and others acquainted with the boundary or possessed of any information on the subject thereof, in order that the true limits may be accurately pointed out.

And you will further take notice, that if any difference exists respecting the true boundary of your village, in so far as it meets the boundary of the said village of ——, [*or* " any of the said adjacent villages," *as the case may require*] such difference if not settled by mutual agreement may either be referred to the decision of arbitrators mutually chosen, or of the commissioners, or either of them, as arbitrators, or either party may enter their claim for trial before the commission, which will be ready to investigate it.

Reg. X. 1827. App. (C).

But you will take notice that, unless on or before the period fixed for defining the boundary, you either produce to the commission a deed of reference of any matter in dispute, with an award of arbitrators thereupon, or refer the same to the commissioners or either of them as arbitrators, or enter your claim to be tried by the commission, the commission will proceed to ascertain the boundary, and to fix the landmarks according to the information which it may be able to obtain, and the said landmarks will be held to define the true boundary of the village of —— unless altered by a decree passed on an appeal therefrom.

Dated at ——.

(Signed) By one of the Commissioners.

APPENDIX (D).

Register of Claims preferred to the Commission for deciding Boundary Disputes in the Zilla of —— or District of ——, as the case may require.

No. of Claim.	Date on which preferred.	Village claiming.	Village affected by the Claim.	Extent and Value of the Land claimed.	How settled.
1	1828, Feb. 1.	Wasna.	Kelumpoor.	300 Begas of pasture land.	By arbitration, 25 given to Wasna, 275 to Kelumpoor.

REGULATION XXVII., A. D. 1827.

A Regulation for abolishing the Zilla Court of Broach and for attaching the Districts composing the Broach Zilla to the Zilla of Surat and Kaira:—passed by the Governor in Council on the 16th May, 1827,

corresponding with the 6th of Vaisack Vud Sumbut or Vikramajeet Era, 1883, *Salbahan,* 1749, *and the 19th Shaval,* 1242, *of the Hijree.*

This Regulation is rescinded by Regulations IX. and X. of 1828, Q. V.

REGULATION I., A.D. 1828.

SUPPLEMENT I. TO REGULATION XXVII. OF 1827.

A Regulation for rendering the Designation and Duties of the Officers employed under Regulation XXVII. of 1827 *in the Civil Administration of the Broach Collectorship conformable to the Rules of the revised Code of Regulations, and declaring the Substitution of the said Code for the Regulation issued previously to 1st January,* 1827:—*passed by the Governor in Council of Bombay on the 17th of January,* 1828, *corresponding with the 1st Maha Sood Sumbut or Vikramajeet Era,* 1884, *Salbahan,* 1749, *Fusly,* 1237, *Soorsun,* 1228, *and 29th Jummadee Ulakhur,* 1243, *of the Hijree.*

This Regulation is rescinded by Regulation IX. of 1828.

REGULATION II., A.D. 1828.

SUPPLEMENT II. TO REGULATION XXVII. OF 1827.

A Regulation for rendering the Duties of the Officers of the Department of Criminal Justice employed under Regulation XXVII. of 1827 *in the Administration of the Broach Collectorship conformable to the Rules of the revised Code of Regulations:—passed by the Governor in Council of Bombay on*

Reg. II. 1828.

the 17th January, 1828, *corresponding with the 1st Maha Sood Sumbut or Vikramajeet Era*, 1884, *Salahan*, 1749, *Fusly*, 1237, *Soorsun*, 1228, *and 29th Jummadee Ulakhur*, 1243, *of the Hijree.*

This Regulation is rescinded by Regulation X. of 1828.

It is entered here, having been classed as a Supplement to Regulation XXVII. of 1827, which embraces civil as well as criminal provisions, and being entirely repealed, it appears unnecessary to notice it in the Criminal Branch.

REGULATION IX., A.D. 1828.

SUPPLEMENT III. TO REGULATION XXVII. OF 1827.

A Regulation for rescinding Regulation I. of 1828 (*Supplement to 1st of Regulation XXVII. of* 1827), *as well as so much of the latter as relates to Civil Jurisdiction:—passed by the Governor in Council of Bombay on the 20th of August*, 1828, *corresponding with the 10th Shravun Sood Sumbut or Vikramajeet Era*, 1884, *Salbahan*, 1750, *Fusly*, 1238, *Soorsun*, 1229, *and 8th Suffer*, 1244, *of the Hijree.*

Preamble.

WHEREAS it is judged advisable to rescind all regulations connected with civil jurisdiction within the territory composing the late zilla of Broach, in order to render the operation of the code uniform, the following rule has therefore been enacted, to be in force from the date of promulgation.

Rescission of Reg. I. of 1828 (the first Supplement of Reg. XXVII. of 1827) as well as of Regulation XXVII. of 1827.

Regulation I. of 1828 (the first Supplement to Regulation XXVII. of 1827), and so much of Regulation XXVII. of 1827 as relates to civil jurisdiction within the territory composing the collectorship of Broach, are hereby rescinded.

Reg. X. 1828. Supp. IV. to Reg. XXVII. 1827.

REGULATION X., A. D. 1828.

SUPPLEMENT IV. TO REGULATION XXVII. OF 1827.

A Regulation for rescinding Regulation II. of 1828, *2nd Supplement to Regulation XXVII. of* 1827, *as well as so much of the latter as relates to Police and Criminal Jurisdiction:—passed by the Governor in Council of Bombay on the* 20*th of August,* 1828, *corresponding with the* 1*st Shravun Sood Sumbut or Vikramajeet Era,* 1884, *Salbahan,* 1750, *Fusly,* 1238, *Soorsun,* 1229, *and* 8*th Suffer,* 1244, *of the Hijree.*

Preamble.

WHEREAS it is judged advisable to rescind all Regulations connected with the police and criminal jurisdiction within the territory composing the late zilla of Broach, in order to render the operation of the code uniform, the following rule has therefore been enacted, to be in force from the date of promulgation.

Rescission of Reg. II. of 1828 (the 2nd Supplement of Reg. XXVII. of 1827) as well as of Reg. XXVII. of 1827.

Regulation II. of 1828, the 2nd Supplement to Regulation XXVII. of 1827, and so much of Regulation XXVII. of 1827 as relates to the police and criminal jurisdiction within the territory composing the collectorship of Broach, are hereby rescinded.

This Regulation is entered here as the 4th Supplement to Regulation XXVII. of 1827, which it assists to repeal. The latter embraces provisions in the civil and criminal process, and the former introduces nothing new into the criminal code.

REGULATION XIII., A. D. 1830.

A Regulation for vesting certain Jagheerdars, Surrinjameedars and Enamdars, with the Power of deciding Suits within the Boundaries of their respective Estates:—passed by the Governor in Council at Bombay on the 31*st of March,* 1830, *corresponding*

Reg. XIII. 1830.

with the 8th of Chyter Sood Sumbut or Vikramajeet Era, 1836, *Salbahan*, 1752, *Fusly*, 1239, *Soorsun*, 1230, *and 6th of Shaval*, 1245, *of the Hijree.*

Preamble.

WHEREAS, in accordance with former custom, and in many instances agreeably to original tenure, jagheerdars, surinjameedars and enamdars, have been permitted to exercise civil jurisdiction within their possessions, and whereas it has been considered expedient to continue by specific enactments to such persons the power of filing, trying and deciding original suits, the following rules have been enacted, to have effect from the date of promulgation.

The jagheerdars, surinjameedars and enamdars, enumerated in a list to be furnished by Government, may be allowed sunnuds, conferring on them authority to try all original suits.

SECTION I.—*Clause 1st.*—It shall be competent for the Governor in Council to grant sunnuds to persons of the description stated in the above preamble, whose names and possessions are enumerated in a list furnished by Government, conferring on them authority to try and determine all original suits of whatever amount that may be either filed in their courts or may be referred to them by the agent or judge.

The sunnuds shall define the territory over which their jurisdiction extends.

Clause 2nd.—The sunnuds shall define the territory or jagheer over which the jagheerdar's jurisdiction extends, and be drawn out according to the form marked (A) in the Appendix.

Such sunnuds shall be granted only for life.

Clause 3rd.—Such sunnuds shall only be granted for life, and without such sunnud no jagheerdar, surinjameedar or enamdar, shall be considered as having the authority to hear and decide civil actions, unless on arbitration or by consent of the parties.

Government may withhold, or if issued withdraw them.

Clause 4th.—In granting sunnuds the Government reserves to itself the rignt of withholding, and if issued, of afterwards withdrawing them, if from any cause such course should be deemed necessary in particular cases.

I. Act XV. of 1840 extends the provisions of this Regulation to the case of the agents of foreign sovereigns.

II. Act XIII. of 1842 authorizes the Governor in Council to grant to the holders of lands or villages, the revenue of which has been alienated to them by the State, a commission conferring upon them authority to collect that revenue. Suits regarding it are required by the same Act to be tried by the collector and his assistants.

III. A jagheerdar holding a sunnud under Act XIII. of 1842 can execute process authorized thereby, if holding a sunnud also under this Regulation.

SECTION II.—*Clause* 1*st.*—All persons residing within the jurisdiction of a jagheerdar must bring their civil disputes for adjudication before him, unless where the parties mutually agree to the contrary, or where one or the other is an European or American, or where one being the relation or dependent of the jagheerdar the other objects on that ground.

* * *

All persons within such jurisdiction to bring their civil disputes before them, unless where the parties mutually agree to the contrary, or where one or the other is an European or American, or where one being a relation or dependent of the jagheedar, the other objects on that ground.

Clause 2*nd.*—Suits thus excepted shall be sent up to the agent or judge, who will dispose of them either by trying them, or by referring them for trial to the deputy agent or assistant judge, as the case may be.

Suits thus excepted shall be sent up to the agent or judge for disposal.

*

Clause 3*rd.*—The jagheerdar shall pass a written decree, recording the proceedings held and his judgment on every action or suit tried before him.

The jagheerdars shall pass a written decree, recording their proceedings and judgment on every suit tried before them.

SECTION III.—*Clause* 1*st.*—Decisions passed by the jagheerdars, enumerated in the list furnished by Government, shall, in conformity with their right and authority by tenure, be final.

The decisions of the jagheerdars enumerated in the list furnished by Government shall be final;

Clause 2*nd.*—The decisions of all other jagheerdars shall be open to appeal, according to the rules regarding appeal, if in the 1st and 2nd Class of sirdars of the list, provided for by Clause 2nd, Section III., Regulation XXIX. of 1827, to the agent for the adjustment of sirdars' claims; if of the 3rd class of the said list, to the judge.

of all other jagheerdars shall be open to appeal according to the Regulations regarding sirdars of the 1st, 2nd and 3rd classes.

Clause 3*rd.*—Decisions by these authorities in these appeals shall be open to the Sudder Dewanee Adaw-

Decisions by these authorities on these appeals shall in certain

Reg. XIII. 1830.

cases be open to the Sudder Dewanee Adawlut.

lut, when, if the original judgment is confirmed, the amount adjudged or at issue is rupees (1000) one thousand; if modified or reversed, the amount at issue is rupees (200) two hundred.

Decision by a jagheerdar shall not be liable to be set aside for want of form.

Clause 4th.—Decrees by a jagheerdar shall not be liable to be set aside for want of form in the proceedings, but only for matters affecting the justice of the decision.

Jagheerdars shall have authority to execute their own decrees, and applications for execution of decrees refused by the jagheerdar may be disposed of by the agent or judge, as the Regulations prescribe.

Section IV.—Jagheerdars shall have authority to execute their own decrees, and application for execution of decrees refused by the jagheerdar may be received by the agent or judge, and such order passed thereon as justice and the Regulations may require.

Special appeals open in all cases to the Sudder Dewanee Adawlut.

Section V.—A special appeal is open in all cases to the Sudder Dewanee Adawlut under the rules provided in Chapter XXII., Regulation IV. of 1827, for the admission of special appeals.

APPENDIX (A).

(See Section I., Clause 2nd.)

Form of Sunnud to be granted to a Jagheerdar, Surinjameedar or Enamdar, for deciding Suits.

(Seal.)

The Honourable the Governor in Council, by virtue of the powers vested in him by Regulation XIII. of 1830, is pleased hereby to confer on you —— Jagheerdar [*or as the case may be*] power to receive, try and decide all such original suits as may be preferred to you for movable or immovable property of what ever amouut, or referred to you by the agent or judge, whereof both parties, or the defendant or defendants in such suits, shall be resident within the boundary of your jagheer, &c. as hereafter defined, provided such parties shall not mutually agree to the contrary, or

one or other of them shall not be an European or American, or, being your own relation or dependent, the adverse party shall not object on that account. Reg. XIII. 1830. App. (A).

The boundaries of your jagheer, over which your jurisdiction as above sets forth extends, are hereby defined to be ————————————.

The within delegated power is vested in you during the pleasure and subject to the recall of the Honourable the Governor in Council.

APPENDIX TO THE CIVIL BRANCH.

REGULATION XV. OF 1816 OF THE BENGAL CODE MADE APPLICABLE TO THE BOMBAY PRESIDENCY BY ACT XV. OF 1845.

A Regulation for expediting the Trial of Civil Suits in which the Native Officers and Soldiers attached to Regular Corps on the Military Establishment of the Presidency of Fort William may be Parties, and for giving to them certain Facilities in the Maintenance of their Rights, Claims and Interests:— passed by the Governor General in Council on the 10*th June*, 1816; *corresponding with the* 29*th Cheyte*, 1223, *of the Bengal era; the* 30*th Jeyt*, 1223, *Fusly; the* 30*th Jeyt*, 1223, *Willaity; the* 15*th Jeyt*, 1873, *Sumbut; and the* 13*th Rujub*, 1231, *Hijree.*

Preamble.

WHEREAS by the local distribution of the regular forces on the military establishment of the Presidency of Fort William, the native officers and soldiers are liable to be stationed at places remote from their homes and families; and whereas the constitution and nature of the

service render it generally impracticable to grant to the native officers and soldiers a frequent or prolonged leave of absence from their military duties, in consequence of which material difficulty and embarrassment have been unavoidably experienced by them in maintaining and preserving their just rights, claims and interests; and whereas the fidelity and courage exhibited by the native troops in various wars on the continent of India, and the zeal and alacrity which they have uniformly displayed in voluntarily embarking on foreign expeditions, entitle them to the favourable consideration of Government; the Governor General in Council, with the view of manifesting his sense of their good conduct, and of affording to them every facility in the maintenance of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice, and for the collection of the land revenue, has enacted the following rules, to be in force from the period of their promulgation throughout the territories immediately dependent on the presidency of Fort William.

Provisions of certain Regulations modified.

SECTION II.—Such parts of the Regulations in force as prohibit the courts of civil justice from corresponding by letter with parties in depending suits, or as direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally that depending causes shall be brought to trial according to the order in which they may stand on the file; and such parts of the Regulations in force as prohibit the courts from furnishing copies of decrees, or from receiving moktarnamahs on any other paper than the prescribed stamped paper, are hereby declared to be subject to the modifications contained in the following Sections of this Regulation.

SECTION III.—*Clause* 1*st.*—Whenever a native officer or soldier on the military establishment of the presidency of Fort William may be desirous of instituting a regular or summary suit in any of the local courts of civil judicature, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a moktarnamah or power of attorney, drawn up according to the Form No. 1 in the Appendix to this Regulation, authorizing and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

Native officers and soldiers may authorize any person to institute and conduct suits in which they may be a party.

Clause 2*nd.*—Such moktarnamah shall not be required to be written on stamped paper, but shall be executed by the native officer or soldier in the presence of the commanding officer of the corps or detachment to which he may belong, who shall countersign the same in testimony of its having been voluntarily executed.

The moktarnamah need not be written on stamped paper.

Clause 3*rd.*—The moktarnamah so executed is to be transmitted by the commanding officer under cover of a public letter, drawn up in the Form No. 2 of the Appendix, addressed to the register of the court in which the suit is to be instituted; and upon the receipt of such letter a notice shall be issued by the court for the purpose of procuring the attendance, either personally or by a constituted vakeel, of the person nominated in the moktarnamah.

The above document is to be transmitted to the register of the court by the commanding officer.

Clause 4*th.*—If such person shall refuse to attend the court in person or by a constituted vakeel, or shall subsequently die, or be prevented by any other sufficient cause from discharging the duty confided to him, the court shall cause information of the same to be communicated to the native officer or soldier by an

The judge is to communicate the inability or refusal of a moktar to undertake the trust.

extract from the proceedings of the court, inclosed in an official letter to be addressed by the register, or in his absence by the judge, to the commanding officer of the corps.

The moktarnamah to be filed with the court's proceedings, if accepted by the person therein nominated to superintend the cause.

Clause 5th.—If the person nominated and appointed in the moktarnamah shall attend the court in person or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original moktarnamah shall be deposited in the court and annexed to the proceedings which may be held on the suit. The moktar or attorney so appointed and attending may, at his option, either prosecute the suit and conduct the pleadings in person, or may constitute for that purpose one or more of the authorized pleaders of the court, under the provisions of Regulation XXVII. of 1814.

The suit is to be investigated in other respects under the general Regulations.

In all other respects the suit shall be instituted, tried, and determined in conformity with the general rules in force for the institution and trial of other similar suits; provided, however, that when the native officer or soldier, who may be the real party in the suit, shall not be himself present at the time of its decision, an authenticated copy of the decree, written on unstamped paper, shall in each instance be transmitted through the register of the court to the commanding officer of the corps or detachment, for the purpose of its being communicated to the native officer or soldier.

Clause 6th.—It is hereby explained that no part of the preceding clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

Rules to be observed to prevent an exparte trial of a cause in which a soldier or native officer is defendant.

SECTION IV.—*Clause 1st.*—For the purpose of preventing, as far as may be practicable, the occurrence of exparte trials in suits instituted against native officers or soldiers, it is hereby further enacted, that whenever a suit may be instituted in any civil court against a person being a native officer or soldier attached to a

regular corps on the military establishment of the Honourable Company under the presidency of Fort William, the plaintiff or appellant shall be required to state the same distinctly in his plaint or petition of appeal, and to specify, to the best of his knowledge and belief, the corps to which such native officer or soldier may be attached. If the plaintiff or appellant shall be unable to specify the corps, it shall be the duty of the court trying the suit to endeavour to ascertain the point by such means of inquiry as may appear practicable and expedient.

A notice in the usual form to be transmitted to the commanding officer.

Clause 2nd.—A notice in the usual form, together with a copy of the plaint or petition of appeal on unstamped paper, inclosed in an official letter, drawn up according to the Form No. 3 of the Appendix, shall be then transmitted by the register, or, in his absence, by the judge, to the commanding officer of the corps, for the purpose of its being communicated to the native officer or soldier against whom the suit may have been instituted; a similar notice shall be issued when omitted, in the first instance, from ignorance of the defendant's being a native officer or soldier attached to a regular corps, if at any subsequent period during the trial of the suit it should appear to the court that the defendant or respondent is a native officer or soldier, as above described; and in cases in which the plaintiff or appellant shall wilfully and intentionally omit to state in his plaint or petition of appeal that the defendant or respondent is a native officer or soldier the court shall impose on such plaintiff or appellant a discretionary fine not exceeding one-fourth of the amount of the institution fee or stamp duty in each case.

Fine to be imposed on a plaintiff or appellant in certain cases.

The commanding officer, on receipt of the notice, will cause it to be duly served.

Clause 3rd.—The commanding officer, after causing the notice to be served on the party to whom it is addressed, if practicable, shall return it to the register or judge, with the written acknowledgment of the

APPENDIX TO THE CIVIL BRANCH.

party indorsed thereupon, together with any mokarnamah which the party may be desirous of executing according to the Form No. 1 in the Appendix, for appointing an attorney to defend the suit in his behalf. If from any cause the notice transmitted to the commanding officer cannot be served upon the native officer or soldier to whom it is addressed, it shall be returned by the commanding officer to the register or judge from whom it may have been received, with information of the cause which has prevented the service of it. In such case the court shall either make a further reference with the view of causing the notice to be duly communicated to the native officer or sepoy, or shall adopt such other measures for that purpose as on a consideration of the circumstances of each case may appear to be proper and consistent with the regulations.

Measures to be adopted by the judge if the notice cannot be served.

Rule to be observed by commanding officers in granting leave of absence to soldiers and native officers, to enable them to superintend their own suits.

SECTION V.—*Clause* 1*st*.—When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the local courts of civil judicature, he shall be at liberty to request from the commanding officer of the corps or detachment an official letter addressed to the register of the court in which the suit is to be tried; such letter shall be drawn up according to the Form No. 4 of the Appendix to this Regulation, but shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The court authorized to nominate a vakeel on behalf of the native officer or soldier.

Clause 2*nd*.—Such letter shall be delivered in person by the native officer or soldier to the register, or in his absence to the judge of the court, who is hereby authorized, at the request of the party, to nominate a vakeel of the court for the purpose of furnishing to the native officer or soldier his legal aid and advice in preparing the pleadings, and in carrying on the prosecution or defence of the suit. The register or judge

shall at the same time cause the native officer or soldier to be duly apprised of the provisions contained in Regulation XXVII., 1814, and of any other Regulation in force relative to the duties and established fees of the pleaders attached to the civil courts, which must of course be observed whenever a native officer or soldier may wish to consult or employ a pleader.

Provisions of Regulation XXVII., 1814, to be duly attended to on such occasions.

SECTION VI.—Nothing contained in the preceding section shall be construed to prohibit a native officer or soldier from pleading his cause in person, or from employing any other authorized pleader of the court whom he may prefer, instead of the pleader nominated for him by the court.

A native officer or soldier may plead his own cause or appoint his own pleader.

SECTION VII.—*Clause* 1*st*.—The courts of civil judicature are hereby authorized and required to bring to hearing, without regard to the order in which they may be filed, all suits, excepting those of the nature alluded to in the sixth Clause of Section III. of this Regulation, in which a native officer or soldier who may have obtained leave of absence from his corps may be a party, and to pass a decision on such suits as speedily as may be consistent with the general rules in force, and with the due administration of justice.

Suits instituted under this Regulation to be heard as soon as possible.

Clause 2*nd*.—If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the judge or register before whom the suit may be depending is hereby vested with a discretionary authority to grant to such native officer or soldier an extension of his leave of absence for a period sufficient to admit of a reference being made to the commanding officer of the corps, with a view to ascertain whether the furlough can be prolonged for any further specific period. But whenever a judge or register may avail himself of the discretion above vested in him, he shall be careful to report the same immediately in an official

Mode to be adopted by the court in the event of the expiration of the furlough before the cause be decided.

letter to the commanding officer of the corps to which the native officer or sepoy may be attached.

Mode to be adopted by the court in the event of the expiration of the furlough before the cause be decided.

Clause 3*rd.*—In all cases in which a native officer or soldier may return to his corps before a final decision can be passed in his suit, he shall be at liberty either to leave the further conduct of the suit to a constituted moktar under a moktarnamah, duly executed according to the Form No. 1 in the Appendix to this Regulation, or to one or more of the established pleaders of the court empowered to act for him by a regular vakalutnamah. In either case a copy of the decree which may be passed in the suit shall be transmitted for the information of the native officer or soldier in the manner prescribed in the fifth Clause of Section III. of this Regulation.

Rules to be observed when any land or real property belonging to a soldier or native officer is attached.

SECTION VIII.—Whenever any land or real property belonging to a native officer or soldier may be attached by a court of justice for the purpose of realizing the amount of any judgment, fine, or penalty imposed on such native officer or soldier, the court shall cause notice of the same to be issued in the manner prescribed in the second Clause of Section IV. of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine or penalty.

Any registered proprietor of an estate paying revenue to Government entertained as a native officer or soldier may notify the same to the collector.

SECTION IX.—*Clause* 1*st.*—Any registered proprietor of an estate paying revenue to Government, who may be entertained as a native officer or soldier on the military establishment under the presidency of Fort William, shall be at liberty to notify the same in a petition to the collector, specifying the rank which he may hold, and the designation of the corps to which he may be attached. A memorandum of

Duty of the collector in such cases, and in the event of an arrear of revenue becoming due.

such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment; and in cases in which the estate or a portion of the estate of a native officer or soldier who may have duly made such notification shall become liable to public sale for the recovery of an arrear of revenue, the collector shall address an official letter to the commanding officer of the corps, drawn up in the Form prescribed in No. 5 of the Appendix to this Regulation; the collector shall inclose in such letter a written notice, signed and sealed by himself, and attested by the principal native officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the collectorship within such limited period of time as on consideration of the distance at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Duty of the commanding officer on receiving from the collector a report of such arrears.

Clause 2nd.—The commanding officer of the corps shall acknowledge the receipt of the collector's letter, and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

Clause 3rd.—If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the Commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board of Commissioners.

Nothing in this Regulation to be construed as affecting the provisions of Regulation XX., 1810, or any modification of the latter Regulation.

SECTION X.—*Clause* 1*st*.—Nothing contained in this Regulation shall be construed to affect or to alter the rules and provisions of Regulation XX. of 1810, or to authorize the commanding officer of any corps or detachment to correspond with the civil courts, or with the collectors, regarding the merits of any judgment or order passed by them in the discharge of their official duty under the provisions of this Regulation.

The provisions of this Regulation not to be considered applicable to certain descriptions of persons.

Clause 2*nd*.—Nothing contained in this Regulation shall be construed to modify or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions or to local irregular corps, or who may be camp followers, or non-combatant retainers of the army, or who may be relations or members of the family of a native officer or soldier, may be parties; the foregoing provisions of this Regulation are to be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps, and on the actual strength of the army, on the establishment of the presidency of Fort William.

Substance of general orders of 10th April, 1810, and 22nd of July, 1814.

SECTION XI.—*Clause* 1*st*.—The following clauses of this section, forming the substance of general orders passed by the Vice-President in Council on the 10th April, 1810, and on the 22nd July, 1814, are hereby enacted for general information.

Facilities afforded to native officers and soldiers for the remittance of money.

Clause 2*nd*.—The sub-treasurer at the presidency, the residents at Delhi and Lucknow, the collectors of land revenue, and the paymasters at stations subject to the presidency of Fort William, including the paymasters who may at any time be serving beyond the territories of the Honourable Company, are hereby authorized to grant bills in duplicate, payable at sight, and at the usual rate of exchange, on any other treasury, for any sums which may be paid into their respective treasuries on account of native officers or

soldiers who may be desirous of remitting money from one part of the country to another.

Clause 3rd.—Provided that in all cases in which sicca rupees may be paid into a treasury by a native officer or soldier, he shall be entitled to receive the same amount at the treasury where payment is required without any deduction whatever.

No deduction whatever to be made.

APPENDIX.

FORM No. 1.

Whereas I, A. B., inhabitant of village ——, purgunna ——, in the district of ——, son of ——, of the caste of ——, at present [*here specify his rank*] the —— battalion of the —— regiment stationed at ——, having occasion to institute [*or* "defend"] an action for [*here insert briefly the nature and object of the suit, and the name of the adverse party or parties*], do hereby nominate and appoint C D. [*here insert the name, place of residence, caste, and his relationship (if any) to the native officer*] to be my attorney [*or* "moktar"], and I bind myself to abide by whatever he the said attorney may do in my behalf in the prosecution [*or* "defence," *as the case may be*] of the said suit.

The said attorney will either prosecute [*or* "defend"] the suit in person, or will appoint one or more of the authorized vakeels of the court to prosecute [*or* "defend"] the same under the instructions of the said attorney, as he may think proper. In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal in like manner as on the original suit.

(Signed) ——.

Executed in my presence,

——,

Comdg. —— Detachmt. [*or* "Batn." *or* "Regt."]

FORM No. 2.

To ——,

Register of the Civil Court of Zilla ——.

Sir,

In conformity with the 3rd Clause of Section III., Regulation XV., 1816, I have the honour to transmit to you a power of attorney duly executed in my presence by A. B., son of C. D., of the caste of ——, inhabitant of ——, officer [*or* "sepoy," *as the case may be*] of the —— battalion —— regiment.

I am, Sir, &c.

——,

Comdg. —— Batn. —— Regt.

FORM No. 3.

To ——,

Commanding the —— Battalion —— Regiment,

at ——.

Sir,

In conformity with the 2nd Clause of Section IV., Regulation XV., 1816, I have the honour to transmit to you the copy of a plaint filed in case No. —— in this court, by —— against ——, stated to be an officer [*or* "sepoy"] in the corps under your command, together with a notice, which I request you will cause to be served on the said ——; you are requested to acknowledge the receipt of the notice, and to inform the court whether it has been duly served on the above-named ——, or the reasons which may have prevented its being served on him.

I am, Sir, &c.

—— Judge.

FORM No. 4.

To ——, Register ——,
Zilla [*or* " City," *or* " Provincial Court"].

Sir,

In conformity with the 1st Clause of Section V., Regulation XV., 1816, I have the honour to inform you that the bearer of this letter, A. B., son of C. D., of the caste of ——, inhabitant of ——, officer [*or* " sepoy"] of the —— battalion —— regiment, &c., has obtained permission to be absent from his corps for the period of —— months, for the purpose of instituting [*or* " defending"] a suit in the zilla [*or* "city," *or* " provincial"] court of ——.

I am, Sir, &c.

——,
Comdg. —— Batn. —— Regt.

FORM No. 5.

To ——,
Commanding Officer of the —— Battalion
—— Regiment.

Sir,

I have the honour to inform you, that the right of A. B., in the village [*or* " estate"] of ——, is about to be sold on account of arrears of public revenue for the year.

In conformity with the 1st Clause of Section IX., Regulation XV., 1816, I herewith inclose a written notice, to be communicated to ——, said to be an officer [*or* " sepoy"] in the corps under your com-

mand, and who is alleged to be the proprietor [*or* "sharer"] of the village [*or* "estate"] in question.

You are requested to acknowledge the receipt of this letter, and to furnish the information required in the 2nd Clause of Section IX., Regulation XV., 1816.

I am, Sir, &c.

—— Judge.

CRIMINAL BRANCH,

CONTAINING

Regulation		XI.	A. D.	1827.
„		XII.	..	1827.
Supplements	1st	XII.	..	1828.
	2nd	IV.	..	1830.
	3rd	III.	..	1833.
Regulation		XIII.	..	1827.
Supplements	1st	VIII.	..	1828.
	2nd	XI.	..	1828.
	3rd	XVI.	..	1828.
	4th	III.	..	1830.
	5th	VIII.	..	1831.
	6th	VII.	..	1833.
	7th	VIII.	..	1833.
	8th	IX.	..	1833.
Regulation		XIV.	..	1827.
Supplements	1st	XVII.	..	1828.
	2nd	III.	..	1829.
	3rd	XVI.	..	1830.
	4th	V.	..	1831.
Regulation		XV.	..	1827.
Supplement	1st	IX.	..	1831.
Regulation		XXX.	..	1827.
Supplements	1st	I.	..	1829.
	2nd	XIX.	..	1830.

REGULATION XI. A.D. 1827.

A Regulation for defining the Persons subject to the Operation of the Regulations on Criminal Judicature, under what circumstances Foreigners may be given up to the Government to which they belong, and under what circumstances Government may exercise a Control over the Residence and Persons of Emigrants and their Descendants:—passed by the Governor in Council on the 1st *January*, 1827, *cor-*

responding with the 4th Poush Sood Sumbut, or Vikramajeet Era, 1883, *Salbahan*, 1748, *and 2nd Jummadyool Akhir*, 1242, *of the Hijree.*

Consisting of three (3) Chapters, as below:

Chapter.	Title.	Section.
I.	Of Persons subject to the Operation of the Regulations on Criminal Judicature, and of the Circumstances under which they are respectively subject to that Operation	I.
II.	Of Refugees from Foreign Countries, both Natives of India and others, charged with having committed Crimes or Offences before they quitted those Countries.....	V.
III.	Of Rules applicable to Emigrants and the Descendants of Emigrants in general	VIII.

Preamble.

WHEREAS justice and good faith require that the application of all penal and restrictive enactments should be clearly and accurately particularized, and whereas it is therefore essential to define the persons subject to the operation of the Regulations on Criminal Judicature, and the circumstances under which they are respectively subject to that operation, and to specify the peculiar liabilities both of refugees from foreign countries charged with having committed crimes or offences before they quitted such countries, and of emigrants and the descendants of emigrants in general, the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF PERSONS SUBJECT TO THE REGULATIONS ON CRIMINAL JUDICATURE AND OF THE CIRCUMSTANCES UNDER WHICH THEY ARE RESPECTIVELY SUBJECT TO THAT OPERATION.

All persons in the zillas subject to the

SECTION I.—*Clause 1st.*—All persons within the zillas subordinate to Bombay are subject to the Regu-

lations on Criminal Judicature, with the exception of British-born subjects, persons subject to the Military Criminal Code to the extent to which Regulation XXII. of 1827 exempts them from the operation of the ordinary criminal law, and persons who may under the authority of Government be specially exempted, either wholly or in part, from the operation of the said Regulations.

Criminal Regulations, except British-born subjects and persons liable to Criminal Courts-Martial or specially exempted

*

I. For territorial description of the zillas subordinate to Bombay, see Regulation II. of 1827 and Appendix, and elsewhere in the Civil Branch, as indicated in Note I. to Section VI., Regulation I., of 1827.

II. Act XXIV. of 1836 declares every British-born subject, holding office as Principal Sudder Ameen, Sudder Ameen, or Moonsiff, amenable to the Regulations on Criminal Judicature and to the ordinary tribunals in respect of all acts done in his official capacity.

III. Act XXX. of 1841 subjects all persons whatever to the Courts of the East India Company in regard to contempts and obstructions to justice.

IV. Act IV. of 1843 authorizes the Sudder Foujdaree Adawlut to take cognizance of appeals from the decision of magistrates acting as justices of the peace.

Special exemption of the Nawab of Surat and his relations and servants.

Clause 2nd.—The Nawab of Surat and his relations and servants are hereby declared to be exempted from the operation of the laws, by virtue of the treaty concluded between the Company and the Nawab on the 13th May, 1800, of the 7th Article of which a copy is contained in Appendix (A) to this Regulation.

This exemption ceased at the death of the late Nawab of Surat. Act XVIII. of 1848 provides for the administration of his estate and for certain privileges to his family.

Persons subject to the laws are, for six months after quitting the Bombay zillas, liable for disturbing the tranquillity of foreign states.

Section II.—All persons not British-born subjects, and not specially exempted as provided in the preceding Section, who may have quitted the zillas subordinate to Bombay, are further subject, for a period of six months from the date when they quitted them, to the provisions of Regulation XIV. of 1827, Section

XV., regarding the disturbance of the tranquillity of foreign states.

Native subjects are besides, for one year after quitting the Bombay zillas, liable for treason.

Section III.—*Clause* 1*st.*—Native subjects of the Bombay Government are further subject, for the period of one year after they shall have quitted the zillas subordinate to Bombay, to the special provisions of Regulation XIV. of 1827, Section XII., regarding treason.

*

Explanation of the term "native subjects."

Clause 2*nd.*—The term "*native subjects*" shall be understood to comprise:

First.—Native-born subjects of the Bombay Government:

Second.—Natives of India, who may have become subjects of the Bombay Government by the conquest or cession of the place in which they were born, but such subjects shall be criminally responsible to the law only for acts done by them subsequently to the period of such conquest or cession.

Third.—Natives of India, not subjects of the Bombay Government, in the civil or military service of the Bombay Government, while actually in such service, and during six months after they shall have quitted the Bombay territories, or (supposing them to be stationed out of the limits of the Bombay territories) after they shall have quitted the service: but it is to be clearly understood, that none of the established courts in the Bombay territories is authorized to take cognizance of any charge against a native military officer, sepoy, trooper, or other person for which he may have been already tried by court martial.

Native subjects in what way subject to the Regulations for offences committed beyond the Bombay territories.

Section IV.—Native subjects of the Bombay Government shall further, when found within the zillas subordinate to Bombay, be amenable to the law for crimes and offences committed by them in places out of the territories subordinate to the presidency of Bombay; but the magistrate shall, previously to put-

*

ting the prisoner upon his trial, make a report of the case to the Governor in Council, who may order the trial to take place before some one of the established courts of criminal judicature competent to try offences of the nature of that charged to have been committed.

CHAPTER II.

OF REFUGEES FROM FOREIGN COUNTRIES, BOTH NATIVES OF INDIA AND OTHERS, CHARGED WITH HAVING COMMITTED CRIMES OR OFFENCES BEFORE THEY QUITTED THOSE COUNTRIES.

A native of India offending in a foreign jurisdiction, and taking refuge in the Bombay territories, is to be surrendered if claimed.

SECTION V.—*Clause* 1*st.*—Any native of India not coming under the description of those specified in Section III., against whom an accusation may be brought to the magistrate in whose jurisdiction he is residing, by the established foreign authority in the district which he has quitted, charging him with a crime or offence committed in such district, shall, if the magistrate shall be of opinion that there are grounds for believing the accused to be guilty of the crime or offence alleged against him, be delivered up to the authority in whose jurisdiction it was committed.

But in certain cases the special orders of Government are requisite.

Clause 2*nd.*—But if he shall have been residing within the zillas subordinate to Bombay for the space of six months, or if the alleged offence should have been committed six months before the charge was preferred, or should be of a political nature, or of the nature of a fraud, or other direct injury towards the ruling authority by whom the accusation is preferred, the magistrate shall report the case to Government, and act according to its directions in respect to the surrender of the individual accused.

The subject of foreign princes must also be surrendered, if a treaty exists,

Clause 3*rd.*—Nothing contained in the preceding Clauses of this Section shall be understood to oppose the surrender to a foreign prince of any of his subjects

taking refuge in any of the zillas subordinate to Bombay, according to such directions as may be issued by the Governor in Council, with the view of conforming to the terms of a treaty existing between the British Government and such foreign prince.

on order of Government.

A refugee not a native of India, nor a British-born subject, will be surrendered or not, according to the directions of Government.

Section VI.—If any person, not a native of India, nor a British-born subject, should be charged before the magistrate in whose jurisdiction he is residing, by the established foreign authority in the district which he has quitted, with a crime or offence committed in such district, the magistrate shall refer the case to the Governor in Council, and act according to his directions in regard to the surrender of the individual accused.

A British-born subject will be proceeded against according to the English law.

Section VII.—If a complaint of the nature and under the circumstances stated in the preceding Section be brought against a British-born subject, the case shall be proceeded in according to Regulation XII. of 1827, Section X., Clause 2nd.

CHAPTER III.

OF RULES APPLICABLE TO EMIGRANTS AND THE DESCENDANTS OF EMIGRANTS IN GENERAL.

Emigrants and their descendants are removable by Government,

Section VIII.—*Clause* 1*st.*—Whenever the Governor in Council upon due investigation shall be satisfied that emigrants from any country bordering upon the zillas subordinate to Bombay, who have sught an asylum in the said zillas, or the descendants of any of the said emigrants, have abused the protection afforded to them by attempts to excite disturbances in the state from which they or their ancestors have emigrated, it shall be competent to the Governor in Council to order the removal of those persons or any of them to such other part or parts of the country as may be judged most convenient for their future residence: in like manner it shall be competent to the

Governor in Council to order such removal whenever he may have grounds to be satisfied that the residence of any body of aliens, or their descendants, in the vicinity of the frontier of the country from which they or their ancestors may have emigrated is likely to cause any serious misunderstanding between that state and the British Government.

being always at liberty to leave the Bombay territories;

Clause 2nd.—Nothing contained in the preceding Clause shall be understood to deprive the persons to whom it relates of the right to quit the Bombay territories whenever they shall be so disposed.

but leaders or others who have excited disturbances may be confined as state prisoners.

Clause 3rd.—In cases in which the Governor in Council may, on due inquiry and mature deliberation, be satisfied that either the preservation of the tranquillity of the British territories, or of the dominions of the allies of the British Government, or the maintenance of the relations of amity subsisting between the British Government and other states, requires that any of the leaders or other persons of the above description who may have committed the offences mentioned in Clause 1st of this Section should be placed and detained under restraint, it shall be competent to the Governor in Council to order any such persons, having committed any of the said offences, but not otherwise, to be apprehended and committed to confinement, at such place and under the custody of such public officer as he may deem expedient, and detained in confinement in conformity to the rules provided for the confinement of state prisoners.

APPENDIX (A).

Extract from the Treaty between the British Government and the Nawab of Surat, dated the 13th of May, 1800.

Article *7th.*—In complaints brought before the court of justice, in which it shall appear either by the

Reg. XI. 1827. App. (A).

application of the Nawab, or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are relations or servants of the Nawab, such parties shall in the first instance be referred for justice to the Nawab, or to any person he may appoint to dispense it: any complaint against the relations or immediate servants of the Nawab by persons of a different description shall, in the first instance, be made to the chief civil servant at Surat, who shall refer it to the Nawab, who has engaged to order an immediate investigation to be made; or, in case the parties should desire it, to order the dispute to be referred to a proper arbitration, the Nawab engaging to bring it to a direct issue, or to carry the sentence or award, if unfavourable to his relation or servant, into immediate execution.

REGULATION XII., A. D. 1827.

A Regulation for the Establishment of a System of Police throughout the Zillas subordinate to Bombay, for providing Rules for its Administration, and for defining the Duties and Powers of all Police Authorities and Servants:—passed by the Governor in Council on the 1st of January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Consisting of six (6) Chapters, as below:

Chapter.	Title.	Section.
I.	Establishment for the Administration of Police ..	1.
II.	Of the ordinary Duties of the Zilla Magistrate; comprising— Rules for the Seizure and Disposal of Offenders and stolen Articles:	

Chapter.	Title.	Section.
	Punishments which the Magistrate is authorized to adjudge, with the Mode of conducting and recording Trials and Procedure:	
	Communication to be made between Magistrates for purposes of Co-operation:	
	The Duty and Authority of the Magistrate to protect the Community, and institute and enforce miscellaneous Rules for its Benefit and Comfort, and for the Prevention of Vice and Crime:	
	The official Connection of Duties between the Magistrate and the Court of Sudder Foujdaree Adawlut, as well as the Court of Circuits:	
	Superintendence of subordinate Police Officers:	
	Punishment for Contempt of the Magistrate's Authority	IX.
III.	Of precautionary Measures for Preserving the Peace and preventing Crime, comprising—	
	Recognizance and Security:	
	Expulsion:	
	Dispersing unlawful Meetings:	
	Seizure of unlawful Implements	XXIV.
IV.	Of extraordinary Measures conducive to the Apprehension and Punishment of Offenders, comprising—	
	Aid, Civil and Military:	
	Rewards:	
	Responsibility of Villages and their Police Establishments for Robberies:	
	Attachment of the Property of Fugitives:	
	Banishment of Outlaws	XXXI.
V.	Of the Duty of District Police Officers	XL.
VI.	Of the Duties of the Village Police Officer, or Head of a Village, and of Village Police	XLVIII.

Whereas it is desirable that a system of police should be established throughout the zillas subordinate to the presidency of Bombay, which should be founded chiefly on the ancient usages of the country: which, by specifying the duties to be performed, the conduct to be pursued, the powers to be exercised, and the responsibilities incurred by the officers of police, should promote the correct execution of the trust reposed in Preamble.

Reg. XII. 1827. them, and facilitate an efficient superintendence over their proceedings by the superior authorities in the department of criminal justice, and which should with these views contain provisions constituting establishments for the administration of police, describing the ordinary duties of the zilla magistrate, precautionary measures in preservation of the peace and prevention of crime, and extraordinary measures in prosecution of guilt of an atrocious and dangerous character, and particularizing the duties of district and village police authorities; the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a regulation to be hereafter passed for that purpose.

CHAPTER I.

ESTABLISHMENTS FOR THE ADMINISTRATION OF POLICE.

The duties of police to be performed by the judge and collector as criminal judge and magistrate, and their respective subordinate officers.

Section I.—The duties of police as described in the Regulations shall be conducted by the judge and collector of each zilla, under the respective designations of criminal judge, and zilla magistrate, the district police officers, and the heads of villages, in the manner hereinafter enacted.

The designation "Criminal Judge" is altered to "Session Judge" by Regnlation III. of 1830. The latter is to be read throughout for the former appellation, as required by Regulation IV. of 1830, 2nd Supplement.

Definition of the local police jurisdiction of the criminal judge, which however, in certain cases,

Section II.—*Clause* 1*st*.—The tract subject to the police jurisdiction of the criminal judge shall comprise the town in which the Adawlut is situated, and a certain space around, the limits of which shall be determined with the sanction of the Governor in Council and distinguished by marks; but, for the cognizance of acts in breach of official duty done by any native officer under the immediate official control of the judge or criminal judge, the exclusive magisterial jurisdiction throughout the zilla shall belong to

the criminal judge, as in corresponding cases the zilla magistrate is in like manner vested under Section III., Clause 1st, with exclusive jurisdiction in the first instance; and further, in summoning witnesses, apprehending perpetrators of offences committed at the Sudder station, or accomplices in cases already before the criminal judge, and in all matters of process in such cases, wherever they may have originated, the criminal judge's police jurisdiction shall extend throughout the zilla, which however is not to prevent his having recourse, when convenient, to the assistance of the magistrate of the zilla, in the same manner as he may to the magistrate of any other zilla.

and in matters of process, extends throughout the zilla,

though the aid of the magistrate may be required.

The police of the Sudder stations (except Surat) is placed under the magistrate by Regulation IV. of 1830, which rescinds any provision to the contrary herein contained; and the exception of Surat is annulled by Act V. of 1846.

Clause 2nd.—The establishment under the criminal judge, both European and native, shall aid him in the functions of police, each officer in his respective capacity; the duties and rules for conducting them shall be the same as prescribed for the zilla magistrate's department, except that in cases wherein the said officer is directed to refer a case or forward any communication to the criminal judge, the latter will of course proceed direct, as if the same had been done.

Police duties of the establishment of the criminal judge the same as those in the zilla magistrate's department, with a few exceptions in matters of form.

* *

Section III.—*Clause 1st.*—The collector of each zilla shall, under the denomination of zilla magistrate, perform the functions of police, according to the rules prescribed in the sequel, in all parts of the collectorship except the Sudder station of the zilla, as described in Section II., Clause 1st, and any military cantonment which may be placed under the superintendent of bazars, with respect to police, by virtue of Regulation XXII. of 1827, Chapter IV.; but in the cognizance of acts in breach of official duty done by any

The collector has police jurisdiction over his collectorship, except the tract subject to the criminal judge, and any part subject to the rules for military police,

*

but in certain cases it is more extensive:

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native officer under his official control in any department, the zilla magistrate shall possess the exclusive magisterial jurisdiction throughout the collectorship, as in corresponding cases the criminal judge is in like manner vested under Section II., Clause 1st, with exclusive magisterial jurisdiction: and further, in summonses and arrests in all cases coming within his cognizance, the zilla magistrate's jurisdiction shall extend throughout the collectorship, which however shall not prevent his having recourse, when convenient, to the assistance of the criminal judge, in the same manner as he might obtain that of any zilla magistrate.

I. The exception of the Sudder stations is rescinded. Vide note above to Section II., Clause 1st.

II. Joint authority as magistrates is conferred on sub-collectors by Regulations V. of 1830, and VIII. of 1831.

III. For the jusisdiction of the revenue commissioners and assistants as magistrates, vide Act XVIII. of 1842.

IV. With reference to the offences of Thuggee and Dacoitee, vide special enactments, Acts XXX. of 1836, XVIII. of 1837, XVIII. of 1839, XVIII. and XXIV. of 1843, X. of 1847, and III. of 1848.

V. Act XIII. of 1835 authorizes the Sudder Foujdaree Adawlut to direct the trial of an accused person in any zilla.

VI. Act XIV. of 1835 authorizes the Governor in Council to grant any of the powers of a magistrate to a military officer, or to an assistant magistrate.

His seal.

Clause 2nd.—The zilla magistrate shall use a circular seal one inch and three-quarters in diameter, on which shall be inscribed in the English language and character as well as those in most common use in the zilla, "*The Magistrate of the Zilla of* ——."

Duties of the several officers of his establishment, and his general control over them.

Clause 3rd.—Assistants to the collector shall act in their respective ranks as assistants to the zilla magistrate, and shall use his seal; they may be deputed by him to perform any part of his duties, the magistrate having full power to mitigate or annul sentences.

*

passed by them, and to recall, at any stage of the proceeding, matters referred to them; and all ministerial officers on the collector's and village establishment may be employed in executing any police process or measures.

For relative jurisdiction of magistrates and their assistants, vide Regulation IV. of 1830, 2nd Supplement, and interpretations thereon.

How the assistance of law officers is to be procured.

Clause 4th.—If the zilla magistrate shall have occasion to ascertain any point of Hindoo or Mohumudan law, he shall procure the requisite information from the law officers on the criminal judge's establishment, forwarding the question in writing, which shall be answered in the same manner.

Oath of the magistrate and his assistants.

Clause 5th.—The zilla magistrate and each of his assistants shall, previously to executing any of the functions of their offices, take and subscribe before the Governor in Council, or any person whom he may commission to administer it, the oath in Appendix (A), and shall also, as soon as possible, qualify himself as a justice of the peace.

Act XXI. of 1837 authorizes the Governor in Council to substitute a declaration for the oath here prescribed, in accordance with which a general rule dispensing with oaths was promulgated in the Court's Circular Order of 15th July, 1840, printed No. 216.

In case of absence, assistants succeed to the duties of principals.

Section IV.—It is to be understood that, in case of an assistant to a criminal judge or collector being in charge of the department, the functions of police are among the duties which by virtue of the Regulations relating to those departments will devolve upon the said assistant.

* *

Each native collector of a district is the district police officer, and where there is no such individual, an officer to be appointed by Sunnud, re-

Section V.—Each native collector of a district shall have charge of the police thereof, and shall perform the duties specified in Chapter V.; and in districts where there is no such native collector, the zilla magistrate shall, with the sanction of the Governor in Council, appoint a district police officer to perform the

vocable by Government at pleasure.

said duties; in which latter case the officer shall be furnished with a written commission in the form of Appendix (B), which may be recalled at the pleasure of the Governor in Council.

For joint police officers, vide Regulation III. of 1833, 3rd Supplement.

The head of each village is the village police officer, and will be furnished with a written commission:

his duties while he is absent may be done by another, who however cannot punish.

*

Section VI.—*Clause 1st.*—The police of each village shall be under charge of the patel, or chief manager of the revenue thereof, and shall be conducted as prescribed in Chapter VI. This officer shall be furnished with a written commission in the form of Appendix (C); but in the event of his occasional absence, the duties, with the exception of adjudging punishments, shall be carried on by the person next to him in responsibility and influence at the village.

When revenue arrangements do not indicate one person as police officer, such individual shall be selected by the magistrate;

Clause 2nd.—When the village revenue management is divided among different persons, the magistrate shall select one of them to take charge of the police; and if the revenue arrangements are of such nature as not to devolve particularly on any person resident at the village, the magistrate shall select some one residing therein to perform the duty.

Vide Act XI. of 1843 for regulating the service of hereditary officers.

and special arrangements may be made for the police of towns and large villages.

Section VII.—At towns or places where, from the extent of the population or nature of its occupations, the police cannot be conducted by a village head, as prescribed in the preceding Section, the zilla magistrate shall provide for the care of the same by appointing, with the sanction of Government, either an officer in the manner and holding the authority directed for district police officers in Section V., or a sufficient number of inferior officers in the manner and holding the authority directed for heads of villages in Section VI., or both of these together; the rules of subordination between them being those enacted for the above quoted officers.

Vide Regulation III. of 1833, 3rd Supplement.

SECTION VIII.—*Clause* 1*st.*—Bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct committed by native officers in the police department, shall be punishable as criminal offences, with fine, ordinary imprisonment without labour, for a period not exceeding seven (7) years, and public disgrace, either singly or combined; and the receipt of a present directly or indirectly by any such officer from any person against whom or in whose behalf he may be officially employed shall be considered extortion; and further, punishments adjudged under this Clause shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

Misconduct of native police officers is punishable civilly and criminally,

* * *

Clause 2*nd.*—*In the cognizance of the offences specified in the preceding Clause, the penal jurisdiction of the magistrate and criminal judge shall be as specified in Regulation XVI. of* 1827, *Section XI., Clause* 4*th.*

the powers of the magistrate and criminal judge being extended in these cases.

This Clause is repealed by Act XXV. of 1839, the offences indicated being left ordinarily cognizable by the magistrate. Section IX. of Regulation XVI. is declared applicable to the Police Department by Section XXII. of this Regulation, Clause 2nd.

Clause 3*rd.*—Native officers on the revenue establishment, and employed in the police department, shall also be subject to the authority of the magistrate in case of misconduct relating to their duties in the police department in the same way as they would have been had the act or omission related to revenue duties; and suspension and dismissal of a police officer who is not employed in the revenue department may take place under the same rules as if he were so employed.

Native officers on the zilla magistrate's establishment are subject in the police department to the same rules as they would be in the revenue, even if only employed in the former.

Clause 4*th.*—And if information be laid on oath before a zilla magistrate that any covenanted servant of the Company, who is or has been employed in the

Corruption or criminality on the part of a covenanted servant in his de-

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partment to be reported by the magistrate to Government.

revenue or police management of the zilla, has been guilty of corruption, he shall forward a copy of the deposition, with any observations he may have to offer, to the Governor in Council, who will direct such investigation and proceeding as he may deem requisite, and, if he should judge it expedient, will in the mean time cause the officer accused to be suspended from the exercise of his duties.

CHAPTER II.

OF THE ORDINARY DUTIES OF THE ZILLA MAGISTRATE.

Comprising

Rules for the Seizure and Disposal of Offenders and stolen Articles:

Punishments which the Magistrate is authorized to adjudge, with the Mode of conducting and recording Trials and Procedure:

Communications to be made between Magistrates for purposes of co-operation:

The Duty and Authority of the Magistrate to protect the Community, and to institute and enforce miscellaneous Rules for its Benefit and Comfort, and for the Prevention of Vice and Crime:

The official Connexion of Duties between the Magistrate and the Court of Sudder Foujdaree Adawlut as well as the Court of Circuit:

Superintendence of subordinate Police Officers:

Punishments for Contempt of the Magistrate's Authority.

The magistrate to cause to appear before him any person charged with an offence committed within his jurisdiction,

SECTION IX.—*Clause* 1*st*.—When the magistrate has reason to believe, either from his personal knowledge or information communicated to him, that any person within his jurisdiction and subject thereto has committed an offence of a penal nature therein, he shall cause the said person to attend before him and answer for the same in the manner hereinafter enacted in Section XII.

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Clause 2nd.—The above information shall, if circumstances permit, be recorded in the form of a deposition, and the attendance of the alleged offender shall be procured by issuing a summons in the form of Appendix (D), with an order thereon addressed to the officer employed to execute it, and stating whether the party's immediate attendance is required, or whether recognizance or security may be accepted, and to what extent the circumstances under which the said recognizance or security may be accepted will be found detailed in the Sections from XXIV. to XXVII. of this Regulation.

if possible by summons grounded on sworn information:

the summons, how to be enforced,

and security when to be taken;

Act X. of 1845 authorizes issue of a warrant for apprehension, in failure of serving summons on a defendant.

Clause 3rd.—But every police officer is authorized without written process to seize an offender detected in the fact, or a person under circumstances of evident suspicion, as also are individuals not in official employ, when there are reasonable grounds for supposing that such offender or person would abscond; and the magistrate may further thus direct the apprehension of persons whose names are not known, or when circumstances prevent the issuing of formal process.

in cases of exigency written process may be dispensed with.

Clause 4th.—Property supposed to be stolen or required in evidence may be brought before the magistrate in the same manner as prescribed in the two last preceding Clauses for procuring the attendance of individuals, a description of the articles being substituted for the personal address of the individual when written process is issued; provided always, that dwelling-houses shall not be entered in search for the same between sun-set and the ensuing sun-rise without urgent occasion, and that every precaution consistent with the object in view be taken to avoid infringing on domestic or religious privacy; and provided also, that the houses of persons of the more respectable classes of society shall be exempt from search, on their

Stolen property to be searched for as offenders are apprehended;

the search in dwelling-houses being, except in cases of necessity, by day, and with consideration.

engaging to make the search themselves, unless there should exist suspicion of connivance resting on reasonable grounds.

Refugee offenders with stolen property, if the offence were committed beyond the British territories, to be dealt with as prescribed by Regulation XI., otherwise measures to be concerted with the proper police authority.

Section X.—*Clause* 1*st*.—If the magistrate shall have reason to believe that a person having committed an offence beyond the limits of his jurisdiction has taken refuge therein, or that stolen property has been brought therein, he shall secure such person or property, and, if the offence have been committed beyond the limits of the presidency of Bombay and its subordinate territories, shall regulate his proceedings according to such of the provisions of Regulation XI. of 1827, Sections IV., V., VI. and VII., as may be applicable to the case; but if the offence have been committed within the said presidency or its subordinate territories, he shall forward information to the magistrate within whose jurisdiction the offence is supposed to have been perpetrated, and co-operate with him in furthering the ends of justice according to the Regulations in such way as the case may require.

By authority of the Sudder Foujdaree Adawlut an accused party may be tried in any zilla.—Act XIII. of 1835.

Offenders who are British-born subjects, and not subject to military police, to be apprehended, and forwarded to Bombay, with a report to Government.

Clause 2*nd*.—If the magistrate shall have reason to believe that a British-born subject, not liable to the criminal jurisdiction of a court-martial, as enacted in 4 Geo. 4, c. 81, s. 2, has committed an offence which may render him an object of a criminal prosecution in the Bombay court of judicature, he shall cause him to be apprehended, and, after satisfying himself by means of evidence that there is good ground for supposing the offence to have been committed, he shall forward the said offender in safe custody to the senior magistrate of the police at Bombay, with a record of the evidence on which he acts, and report the case to the Governor in Council, who will direct the expenses incurred to be defrayed.

For the 4 Geo. IV. c. 81, see the statute 3 & 4 Vict. c. 37, by which the former law is repealed.

Clause 3rd.—The magistrate shall execute such orders as he may receive from the Governor in Council as to arresting and conveying to the presidency Europeans and Americans found within his jurisdiction without passports or licences.

Europeans and Americans found without authority in the zilla to be apprehended as Government may order.

Clause 4th.—The magistrate shall arrest and deliver up at the nearest military post deserters from His Majesty's or the Company's military service who may be found within his jurisdiction.

Deserters to be delivered up to military authority,

Clause 5th.—If the magistrate has reason to believe that an offence of a political nature, such as described in Regulation XIV. of 1827, Chapter III., has been committed by a person to be found within his jurisdiction, he shall cause him to be placed in secure custody, and report the circumstances of the case to the Governor in Council for his instructions.

and offenders against the state to be kept in close custody during a reference to Government.

Section XI.—In cases of assaults committed by British-born subjects on natives, at a greater distance than ten (10) miles from the presidency, rules of procedure are enacted in Act 53 Geo. III. c. 155, s. 105; but persons under military command, and at a greater distance than 120 miles from the presidency, are exempted from the operation of those rules by Act 4 Geo. IV. c. 81, s. 2.

Assaults by British-born subjects are cognizable in some cases by the magistrate, and in others by the military police authority.

I. Act 4 Geo. IV. c. 81, is repealed by 3 & 4 Vict. c. 37. Q. V.

II. Act IV. of 1843 authorizes an appeal from decisions under this Section to the Sudder Foujdaree Adawlut.

Section XII.—*Clause 1st.*—When a person has been apprehended according to the provisions of Clause 1st of Section IX., if the offence be of a political nature, as alluded to in the 5th Clause of Section X., the magistrate shall act as therein directed, otherwise he shall proceed to trial of the same; and if it appear to him that the prisoner is guilty, and that the extent of punishment which the magistrate is authorized to

The magistrate investigates all offences not of a political nature committed within his local jurisdiction, and if the charge is proved, adjudges punishment, if within his penal jurisdiction, otherwise transmits

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the prisoner to higher authority.

inflict (as set forth in the succeeding Section) is adequate to the offence, he shall pronounce sentence accordingly, otherwise he shall forward the prisoner to the criminal judge of the zilla, with a copy of the proceedings prescribed in Section XIV., and all the original written exhibits and articles which may have been made or produced before the magistrate as evidence.

If the charge be evidently of a high nature, the prisoner to be transmitted for trial as soon as probable grounds of his guilt appear; or if dismissed as guiltless by the magistrate, he may still be hereafter prosecuted before higher authority.

Clause 2nd.—Provided always, that if in the course of the trial the offence appear to be such as require to be referred to the criminal judge, and the zilla magistrate should see reason to believe that it was committed by the prisoner, the case may be forwarded to the criminal judge as above described, without waiting completion of trial, or any further proceedings than may at the time have been held; and, on the other hand, that, if the magistrate see no reason to suppose the prisoner guilty, he shall discharge him accordingly, without however such liberation operating as an acquittal in exempting the party from future prosecution, if the act be of such nature as to require reference to the criminal judge.

Magistrate's penal jurisdiction.

Section XIII.—*Clause 1st.*—The magistrate is authorized to adjudge sentence of the following nature and extent, to be enforced in the manner and for the offences prescribed for each respectively in the Regulations: fine, ordinary imprisonment without labour not exceeding two (2) months; flogging, not exceeding thirty (30) stripes, and personal restraint, any of which may be combined; and it shall be competent to the magistrate to award such fine, or any part of it, in compensation to the party who may have been injured. Sentences which include imprisonment shall be executed by the criminal judge, to whom the convict shall be forwarded with a description of the sentence in the Form of Appendix (E), according to which, the

Fine as enforced by imprisonment in commutation not exceeding two months; flogging, thirty stripes, and personal restraint. Imprisonment to be enforced by the criminal judge.

execution being made and indorsed as directed in the case of warrants in Regulation XIII. of 1827, Section XV., Clause 1st, the documents shall be kept on record by the criminal judge.

I. The ordinary jurisdiction of the zilla magistrate is extended so as to include sentences of fine, with ordinary imprisonment and hard labour for one year, and solitary imprisonment for one month, by Regulation IV. of 1830 (Supplement 2nd) and VIII. of 1831 (Supplement 5th to Regulation XIII. of 1827).—Q. V.

II. Act IX. of 1838 authorizes a session judge also to award a fine as compensation to an injured party.

The magistrate's penal jurisdiction may be extended by Government to imprisonment for six months,

Clause 2nd.—When the state of police in any zilla may render it desirable that the authority of the zilla magistrate should be increased, the limit of imprisonment prescribed in the preceding Clause may be extended to any period not exceeding six months, on Government issuing a proclamation in the form of Appendix (F), to be forwarded through the medium of the Court of Sudder Foujdaree Adawlut to the criminal judge and zilla magistrate, each of whom shall keep a translation in the language commonly used in his jurisdiction conspicuously placed in the most public office of his department as well as that of each district or division under his charge, and a similar extent of authority may be conferred in like manner on any of the magistrate's assistants, whose penal jurisdiction shall otherwise be as described in the preceding Clause, except that the first assistant shall alone have authority to adjudge corporal punishment and only for theft.

on proclamation made,

and the same rule applies to assistants.

I. The ordinary jurisdiction of the zilla magistrate is extended by Regulation IV. of 1830, 2nd Supplement, and Regulation VIII. of 1831. See note to Clause 1st, above.

II. Act IV. of 1835 authorizes Government to confer any of the powers of a magistrate on an assistant magistrate.

Authority to commit for trial before the Court

Clause 3rd.—The Governor in Council may also, whenever he may deem it expedient, confer on any

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zilla magistrate authority to commit offenders to be tried before a Court of Circuit, by a proclamation, in the form of Appendix (G), issued and published in the manner above stated, in which case the said authority of commitment may be delegated by the magistrate to any of his assistants in the same way as matters within his ordinary jurisdiction; and when a commitment is thus made by the magistrate or his assistant, he shall transmit to the criminal judge of the zilla the prisoner, unless admitted to bail, with a record of his proceedings and the exhibits as directed to be prepared for trials before the Court of Circuit in Regulation XIII. of 1827, Chapter III.; he shall also take the measures prescribed in that Chapter for procuring the attendance of witnesses and parties, transmitting to the criminal judge every person, exhibit or article requisite to be produced at the trial, and to be placed in custody in the interim; and the criminal judge shall bring up such cases for trial in the same manner, and shall also in the interim perform such functions of receiving additional evidence, accepting bail, or other offices connected with each case, as he would have executed had the commitment been made by himself, except that he shall not for any reason discharge the prisoner.

of Circuit may in like manner be given to a magistrate,

who may delegate it to his assistants:

mode of exercising it,

and duties of the criminal judge in those cases.

By Regulation III. of 1830 the Court of Circuit is superseded by the Session Court, to which the magistrate commits cases in the exercise of his ordinary jurisdiction under Regulation XXX. of 1827, Section II., Clause 2nd; Regulation III. of 1830, Section III.; and Regulation IV. of 1830, Section IV.; with the interpretations thereon.

Trials before the magistrate to be conducted and recorded like other trials;

Section XIV.—Trials before the zilla magistrate shall be conducted according to the rules prescribed for criminal courts in general in Regulation XIII. of 1827, Chapter VI.; but Clause 6th of Section XXXVIII. of the said Regulation, which directs that the law officer's exposition of the law be taken, shall, with

regard to the magistrate, have operation only on the trial of an offence against the religious law of the prisoner, as described in the concluding sentence of the first Clause of Section I., Regulation XIV. of 1827; records shall be kept by the magistrate similar to those described in the three first Clauses of Section XIV., Regulation XIII. of 1827, the offices therein directed to be performed by the serishtadar and record-keeper being discharged by any person to whom the magistrate may entrust them; but if a sentence in any particular case do not exceed one week's imprisonment and six stripes, it shall not be incumbent on the magistrate to record more than the name of the convict, the offence proved, and the punishment, with the respective dates.

but trivial cases do not require detailed records.

Section XV.—*Clause* 1*st*.—If a magistrate require the evidence of a person, or the production of an article situated beyond his jurisdiction, he shall adopt the measures described in Regulation XIII. of 1827, Section XXXIV., Clauses 2nd and 3rd; which proceeding shall also be applicable to the apprehension of offenders who may have quitted the zilla wherein the offences may have been committed, and if the circumstances be such that the parties cannot be named in the summons, information conveyed in a letter shall be sufficient authority for the magistrate of the zilla in which they are found, to act according to the provisions of Section X., Clause 1st of this Regulation, and to forward the persons so seized direct to the magistrate from whom the information was received; and the authority provided in the 3rd Clause of Section IX., to effect apprehension without formal warrant, is equally applicable to such cases as are the subject of this Clause.

Persons and property beyond his jurisdiction to be procured by the magistrate on application to the proper police authority,

who will act as in ordinary cases.

Act XXIII. of 1840 prescribes the procedure to be adopted if the party whose attendance is required be within the limits of the jurisdiction of Her Majesty's Supreme Court.

Magistrates will grant each other reciprocal aid in receiving and enforcing each other's process and requisitions;

Clause 2nd. — Magistrates shall reciprocally communicate to each other all matters involving the peace of each other's jurisdiction, and they shall execute for each other in their respective jurisdictions all process which each respectively would have authority to execute within his own jurisdiction, in which case the magistrate who makes the requisition shall furnish whatever written form may be required in such cases, or, if none be prescribed in the Regulations, then some document descriptive of the process, which the magistrate who executes it shall return indorsed with a description of the mode in which it has been performed, or the reason which prevented it.

but any magistrate may decline compliance by letter, and official reference may be made to the Sudder Foujdaree Adawlut.

Clause 3rd.—But if a magistrate, when applied to for co-operation by virtue of the preceding Clauses of this Section, shall deem the same incompatible with the good order and welfare of the zilla under his charge, this objection shall not be stated as a return to any process sent to him for execution, but he shall acquaint therewith the magistrate from whom it was received, without proceeding to execution, and, if they should be unable to arrange a mode of procedure in which they can concur, the case may be referred to the Court of Sudder Foujdaree Adawlut for its final order.

The magistrate may employ precautionary measures in preservation of the peace when disputes are anticipated;

Section XVI.—*Clause 1st.*—If the magistrate shall have reason to suppose that any breach of the peace or illegal act calculated to lead thereto, such as the forcible possession of disputed property, or the unauthorized removal of marks set up to denote boundaries, be likely to occur, he shall take precautionary measures to prevent the same by means of recognizance or security, as prescribed in Sections from XXIV. to XXVII., both inclusive, if injunction be not deemed sufficient; and for this purpose he may cause the person suspected to be brought before him by the same process as would be used in the case of an alleged offender.

Clause 2nd.—But the interference of the magistrate in such cases shall by no means affect or confer any proprietary title or ulterior right, being intended, when such may be disputed, only to preserve the peace until decision and enforcement by the civil court.

but the right to any property or privilege thus disputed is not thereby affected.

Section XVII.—*Clause 1st.*—The pressing of coolies or begarees is hereby strictly prohibited, and it shall be an imperative duty of the magistrate to take instant cognizance of all such offences, and inflict punishment on the offenders according to the rules contained in the succeeding Clauses of this Section; unless the complainant prefer instituting a civil action, and the case be not of an aggravated nature as contemplated in Clause 5th: the magistrate is further directed to give every publicity to the said rules, so as to insure, in every instance of their violation, a communication of the occurrence.

Persons pressing begarees to be brought to justice, well-grounded complaints being encouraged.

Clause 2nd.—Pressing is defined to be the compelling a person to serve as porter or guide by means of personal violence, as blows, or such treatment as produces corporal pain or injury; or by means of violence to property, as seizing or injuring any article belonging to him, or in his occupation; or by means of threats expressed in words, or conveyed by conduct denoting an intention to inflict some injury to person or property apparently in the power of the culprit to effect.

The offence how defined

Clause 3rd.—Any person committing the offence defined in the preceding Clause shall, if he be subject to the magistrate's regular jurisdiction, be punishable according to the following scale.

and punished when the offender is not a British-born subject,

	If the Act be accompanied with Personal Violence.	If with Violence to Property.	If with Threats.
If the culprit be attended by a servant.	Fine of 40 rupees.	Fine of 30 rupees.	Fine of 25 rupees.
	Commutable, if not paid, to one day's imprisonment for 5 rupees of fine.		

	If the Act be accompanied with Personal Violence.	If with Violence to Property.	If with Threats.
If he be not attended by a servant.	Fine of 8 rupees.	Fine of 7 rupees.	Fine of 5 rupees.
	Commutable, if not paid, to one day's imprisonment for each rupee of fine.		
If he be a principal servant, (khidmutgar).	Fine of 15 rupees.	Fine of 13 rupees.	Fine of 9 rupees.
	Commutable as above to imprisonment for		
	8 days.	7 days.	5 days.
If he be a servant of lower order than the preceding.	Fine of 8 rupees.	Fine of 7 rupees.	Fine of 5 rupees.
	or		
	Imprisonment for the same number of days, which also, when fine is imposed, constitutes the commutation.		

and when he is.

Clause 4th.—If the offender be a British-born subject, the magistrate shall proceed as authorized by 53 Geo. III. c. 155, s. 105, unless the offender be, by virtue of 4 Geo. IV. c. 81, subject to a military court, in which case the magistrate shall furnish the complainant with every possible assistance in prosecuting the matter before such tribunal.

By Act IV. of 1843 an appeal from the magistrate's decision under this Section may lie to the Sudder Foujdaree Adawlut.

For 4 Geo. IV. c. 81, vide 3 & 4 Vict. c. 37.

Aggravated cases meet severer punishment.

Clause 5th.—It is to be clearly understood, that, if in execution of the offence described in Clause 2nd, the offender shall have committed any criminal act requiring severer punishment than is above contemplated, he shall be liable to prosecution and punishment accordingly.

The magistrate may in some cases compel, for fair remuneration, the labour of workmen,

Section XVIII.—*Clause 1st.*—It shall be lawful for the magistrate, on occasions of emergency, to compel for public purposes the services of tradesmen,

artificers, labourers, and generally all persons following the occupation of furnishing labour or articles for hire, at a rate of remuneration not below the highest they may be in the habit of receiving:

and take cognizance of the misconduct of servants,

Clause 2*nd*.—He shall also have authority to take cognizance of such misconduct on the part of private servants as constitutes a departure from proper demeanor, or a breach of duty:

by moderate and suitable punishment:

Clause 3*rd*.—And the magistrate may punish the non-compliance and misconduct specified in the two preceding clauses by fine not exceeding ten (10) rupees, or ordinary imprisonment without labour for a period not exceeding fourteen (14) days, or both.

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With reference to the published interpretation, dated 4th of November, 1830, on this clause, vide Act V. of 1843 for amending the law regarding the condition of slavery.

he may also make rules for the public benefit in matters not involving private rights, such as the resort to dhurrumsalas, &c.

Section XIX.—*Clause* 1*st*.—It shall be lawful for the magistrate, when the public benefit and comfort is in question, to institute Rules respecting dhurrumsalas, liquor shops, public wells, town gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them:

the cutting of firewood, and use of forage;

Clause 2*nd*.—Also to regulate the exercise of rights to cut firewood, forage, or derive advantage from unappropriated places of productions:

the removal of nuisances,

Clause 3*rd*.—And to cause obstructions and nuisances to be removed from thoroughfares and public places:

of unwholesome trades,

Clause 4*th*.—And to suppress, or cause to be removed to a different place, trades and occupations injurious to the health or comfort of the community:

of combustibles and dangerous edifices:

Clause 5*th*.—Also to prevent such construction of buildings, and such disposal of hay or other combustible substances, as is likely to occasion conflagration,

and to cause the removal of buildings in such state of weakness as by the probability of their falling to expose individuals to danger.

such rules, before enforcement, being duly promulgated and submitted to the Sudder Foujdaree Adawlut;

Clause 6th.—In exercising the authority conferred by this Section, the magistrate shall commence by issuing an injunction, which if a particular individual be concerned shall be personal to him, otherwise it shall be notified by oral proclamation made and written notice fixed and kept at such place or places as may be best adapted to convey information to the public, or the class concerned, a copy of which shall at the same time be forwarded to the Court of Sudder Foujdaree Adawlut, and it shall remain in force, unless forbidden by that court: and should any person persist in disobeying the injunction, the magistrate may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, ordinary imprisonment without labour not exceeding one month, personal restraint, or any of these combined; and if the magistrate finds it necessary to incur expense in removing noxious or dangereous articles or buildings, it shall be lawful for him to deposit the same or their materials, and apply to the Court of Sudder Foujdaree Adawlut for sanction to sell the said deposit by public auction, in order to defray the said charge, and according as this sanction is granted or withheld, he shall so sell the property, delivering any overplus that may remain to the owner, or return it altogether.

after which the violation of them is punishable by the magistrate,

and expenses incurred by him in removing buildings, &c. will be borne by the property of its owners;

Act XXI. of 1841 contains special provisions for the prevention of local nuisances, which appear to be of general application.

but persons deeming private rights infringed may try the case in the civil court

Clause 7th.—Provided however, that in all questions arising out of the preceding Clause of this Section, it shall be competent to any individual, who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the

civil court against the magistrate to support his claim, and the magistrate, if applied to, shall stay his proceedings for a reasonable period, to allow of such suit being instituted, which shall be tried before the judge or one of his assistants exclusively.

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before the judge or an assistant.

Clause 8*th*.—The magistrate shall always be authorized to take charge of stray animals and to detain them either at the Sudder station, or at the place where found; and if the owners apply and pay the expense incurred within two months, the animals shall be returned to them, otherwise they shall be sold by public auction, and the proceeds, after deducting expenses incurred, shall be paid to the owner on demand. The magistrate shall also take charge of property found without an owner, and if the provisions of Regulation VIII. of 1827, Chapter II. do not apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred; but at any period when these may have amounted to the computed value of the property, it may be sold to defray the same.

The magistrate shall take charge of stray animals, selling them after a period in payment of expenses incurred, and for the benefit of the owners;

* *

also property left without an owner, and not otherwise guarded from spoliation,

Section XX.—The magistrate shall keep standards of such weights and measures as are used in retail dealings throughout the districts under his charge, and they shall be open to the inspection of any one who may desire to examine them.

and keep standards of weights and measures.

Section XXI.—*Clause* 1*st*.—The functions of the zilla magistrates as relating to Courts of Circuit, are detailed in Chapter III. of Regulation XIII. of 1827, wherein proclamation of the sessions is prescribed in Section XIX., Clause 1st, furnishing reports in Clause 3rd of the same Section, and the mode in which the general superintendence of the magistrate's duties and establishment is to be conducted in Sections XVI. and XVII.

Enumeration of the magistrate's duties in connection with the Court of Circuit

By Regulation III. of 1830 the Session Court supersedes the Court of Circuit.

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and the Court of Sudder Foujdaree Adawlut.

Clause 2nd.—The functions of the zilla magistrate as relating to the Court of Sudder Foujdaree Adawlut are detailed in Section XXIX. of the above quoted Regulation, wherein the furnishing of records is prescribed in the 1st and 2nd Clauses, furnishing information and procuring evidence in the 3rd Clause, revision of sentences in the 4th Clause, and miscellaneous superintendence of the zilla magistrates' duties and establishment in the 5th and 7th Clauses. The zilla magistrate shall also furnish such periodical returns relating to the business of his department as the Court of Sudder Foujdaree Adawlut may call for under the immediate instructions of Government.

The zilla magistrate vigilantly to superintend all subordinate police officers and establishments,

Section XXII.—*Clause 1st.*—The zilla magistrate shall vigilantly superintend the conduct of the district and village police officers and of the establishments subordinate to them, maintaining strict and active discharge of their duties, and attending to all complaints of oppression, injustice, or negligence on their part, which he shall notice by injunction or reprimand, or by bringing the offenders to trial as directed in the Regulations. He shall receive the returns prescribed to be made by them, and revise their sentences and acts in the manner directed in the Regulations.

misconduc of native officers being punishable as in the revenue department;

Clause 2nd.—And the mode of punishing misconduct of the native establishment laid down in Section IX. of Regulation XVI. of 1827, shall be applicable also to the police department.

contempt of the lawful authority of police officers punishable by the magistrate.

Section XXIII.—The zilla magistrate shall be authorized to punish by fine not exceeding one month's computed income of the culprit, or ordinary imprisonment, without labour, not exceeding one month, any person guilty of abuse, insolence, or interruption, towards himself or any police officer in the discharge of official duty.

*

Act XXX. of 1841 provides for the punishment of contempts and obstructions to justice by whomsoever committed.

CHAPTER III.

OF PRECAUTIONARY MEASURES FOR PRESERVING THE PEACE AND PREVENTING CRIME.

Comprising
Recognizance and Security.
Expulsion.
Dispersing unlawful Meetings.
Seizure of unlawful Implement.

Recognizance, its nature and object: to contain a pecuniary penalty, and ordinary imprisonment in commutation,

SECTION XXIV.—*Clause 1st.*—Recognizance is an engagement by bond for payment of a specific sum of money, with a commutation thereof, in case of non-payment, for a specific period of imprisonment, which is always to be understood as being ordinary and without hard labour, to be levied in the event of the party breaking the engagement therein contracted to do, or refrain from doing some specified act, and the bond shall be in the form of Appendix (H).

and in certain cases hard labour or solitary imprisonment.

Clause 2nd.—But when so directed in particular cases for good reasons, a recognizance may be made out with the penalty of solitary imprisonment, or imprisonment with hard labour, instead of pecuniary forfeiture.

Security, its nature and object.

Clause 3rd.—Security is an engagement entered into by a person or persons by means of such a bond as described in the first Clause of this Section, that some other person or persons therein specified will do, or refrain from doing an act therein specified, and the bond shall be in the form of Appendix (I).

The authority taking the engagement fixes the number of sureties, the penalty, and imprisonment,

Clause 4th.—The number of persons required in any particular case to constitute security, as well as the pecuniary amount of recognizance or security, and the period of imprisonment to be suffered in commutation, shall be at the discretion of the authority before which it is entered into, subject to whatever superintending authority may be constituted by Regulation,

subject to higher authority:

no engagement extends beyond five years, nor imprisonment beyond two;

but official jurisdiction will not limit it.

but neither a recognizance nor security bond shall bind the party whose act is in question for a longer period than five (5) years, unless otherwise directed for particular cases by enactment, nor shall a person becoming security be made thereby liable to a longer period of imprisonment than two (2) years; but in determining a period within these limits the authority acting shall not be confined to any limits which may be fixed to its jurisdiction in adjudging sentences.

Recognizance and security may be taken whenever the magistrate deems fit,

and particularly for making witnesses attend,

* * * *

also persons accused, except of murder and state prisoners, who must be confined, and for general purposes.

SECTION XXV.—Besides those persons against whom information may exist that there is intention or probability of their committing a specific illegal act, it shall be lawful for the magistrate to bind over to good conduct any person who from bad reputation, turbulent habits, or other reasonable cause, is considered an object of public distrust. The appearance of witnesses at trials, as well as of persons charged as offenders, shall also be so secured, when the magistrate is satisfied that the bond will be sufficient to secure attendance, except in cases of political offences, as described in Regulation XIV. of 1827, Chapter III., and murder, when the persons accused shall always be kept in confinement to undergo trial: and generally the performance of or refraining from all acts which the magistrate has authority to compel or forbid may be secured by recognizance or security.

How a person may free himself from recognizance or security,

*

SECTION XXVI.—*Clause 1st.*—A party may at any time redeem his recognizance by delivering himself up to the custody of the authority before whom it was entered into, and a person who has become security may at any time redeem the same by delivering up to the said authority the party for whom he so engaged, in furtherance of which object the said authority shall afford him every assistance which the law authorizes for the apprehension of persons situated as the said party may be.

Clause 2nd.—If a recognizance or security bond be forfeited, the penalty shall be enforced by the authority to which the ultimate trial of the case to which it relates belongs, in the same way as if the penalty had been a sentence adjudged for a penal offence, proof of the facts which constitute the forfeiture being taken and recorded in the same manner as evidence for a criminal trial; but if such enforcement involve a longer period of imprisonment than the said authority is authorized to adjudge as a sentence, he shall forthwith report the case, with all proceedings held from the commencement, to the Court of Sudder Foujdaree Adawlut, without however deferring the enforcement in the interim.

and in case of forfeiture the penalty is adjudged by the trying authority;

and if beyond his jurisdiction the case is referred to the Sudder Foujdaree Adawlut.

Section XXVII.—*Clause 1st.*—If a party from whom recognizance or security has been duly demanded fail to furnish such as is satisfactory to the authority demanding it, confinement of the person may be resorted to until the occasion be past; provided always, that when the period of confinement to which the said authority is limited in adjudging sentences for offences has elapsed, the case shall be reported to the Court of Sudder Foujdaree Adawlut, unless it be of a nature which will occasion its being brought before some other tribunal in the usual course of trial, when the proceedings will devolve on such other tribunal as if the recognizance or security had been originally demanded by itself.

If engagements demanded by the proper authorities are not furnished, imprisonment may be resorted to; but official jurisdiction must not be exceeded without reference to the Sudder Foujdaree Adawlut, or other controlling authorities;

* * *

Clause 2nd.—But the magistrate is not precluded from adopting precautionary measures of a more lenient nature, in the case of a person who may be unable to furnish satisfactory recognizance or security for his attendance, such as, provided the magistrate considers them sufficient for the purpose, allowing the party to remain under the inspection of some trustworthy person possessing influence over his conduct, or at some place of public resort under charge of persons in usual

also other restrictions may be resorted to,

attendance there; and similar measures may under similar circumstances be adopted to secure the good conduct of a suspected person, in which case additional restrictions may be made as suggested by the party's habits and the evil apprehended, such as prohibiting his leaving his residence or certain limits at particular times, or providing himself with a horse or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood: all which restrictions shall be notified to the party in writing, a copy thereof with his signature in token of assent being kept by the magistrate, and any breach thereof shall be punishable by ordinary imprisonment without hard labour for a period not exceeding six months, which penalty also shall be inserted in the instrument.

the same being notified to the party, as well as a specified imprisonment on the breach of them.

Foreigners not British-born subjects not furnishing security may be expelled from the collectorship.

Section XXVIII.—*Clause* 1*st.*—If a person who is not a native of the zilla nor a British-born subject be unable to furnish security for his good conduct satisfactory to the magistrate, it shall be lawful for an order of expulsion to be issued, which, whether issued by the criminal judge or zilla magistrate, shall be in force throughout the collectorship.

Expulsions how executed.

Clause 2*nd.*—The person so expelled shall be conveyed to some part of the boundary of the collectorship and there dismissed, being previously furnished with or offered a writing containing the name of the zilla, the date of expulsion, and a description of the penalty enacted in the succeeding clause, to which he will be liable if he return, and a copy of this instrument, with an indorsement specifying the execution, shall be kept on record.

Penalty of returning without leave.

Clause 3*rd.*—A person returning to a zilla from whence he has been expelled shall be punishable with ordinary imprisonment not exceeding six months, after which if he return again, he shall each time be liable

to the said punishment, and flogging not exceeding fifty stripes in addition.

Clause 4th.—But it shall always be competent to a magistrate to recall a sentence of expulsion when he has satisfactory reason to believe that the causes thereof have ceased, the sanction of the Sudder Foujdaree Adawlut being previously obtained, which sanction shall be indorsed under the magistrate's signature on the sentence specified in Clause 2nd; and the party shall be entitled to a written certificate of such recall, with a specification of the particulars of the expulsion. Expulsion how cancelled.

Section XXIX.—If any number of persons should should assemble together in a manner indicating intention to commit an unlawful act, or inconsistent with public tranquillity, it shall be competent to the magistrate to order them to disperse, and to punish those who do not comply with fine or ordinary imprisonment without labour, not exceeding one month. Precautions which may be taken when the public peace is endangered,

Section XXX.—The magistrate shall be authorized to seize all such instruments as he shall have good reason to believe are kept for breaking open houses or other unlawful purposes: they shall be forfeited and disposed of as Government may direct. and power of the magistrate to seize and confiscate instruments kept for unlawful purposes.

CHAPTER IV.

OF EXTRAORDINARY MEASURES CONDUCIVE TO THE APPREHENSION AND PUNISHMENT OF OFFENDERS.

Comprising

Aid, Civil and Military.
Rewards.
Pardon to Accomplices.
Responsibility of Villages and their Police Establishments for Robberies.
Attachment of the Property of Fugitives.
Banishment of Outlaws.

Section XXXI.—*Clause 1st.*—All police authorities shall be competent to call on individuals within Aid from the community may be demanded by

their jurisdictions for such aid as they are capable of affording, without infringing the rules of their respective sects, in apprehending offenders or enforcing any legal process, holding inquests or procuring information; and any person withholding the same shall be punishable by the zilla magistrate with fine not exceeding ten (10) rupees, or ordinary imprisonment without hard labour not exceeding twenty (20) days.

the police on occasions of emergency, and failure to furnish it punished by the magistrate;

Clause 2nd.—If pursuit of an offender be carried beyond the jurisdiction in which it commenced, the officers shall be entitled to the assistance of the police of the jurisdiction in which they may arrive, which shall adopt the same measures for effecting seizure, as if the offence had been committed in the last-mentioned jurisdiction; and when a person is thus apprehended, he shall be taken before either the district officer or zilla magistrate of the place, who, on being satisfied of his identity as the person who was pursued, or of there being reasonable grounds to suppose it, shall deliver him up to either the district officer or zilla magistrate of the place where pursuit commenced.

Offenders pursued beyond the jurisdiction to be taken when apprehended

before the authority of the place, who will surrender them;

Act XIII. of 1835 authorizes the Sudder Foujdaree Adawlut to direct the trial of an accused party in any zilla.

Clause 3rd.—Any police authority shall, when the force at its disposal is insufficient to preserve the peace or apprehend offenders within its jurisdiction, be entitled to aid from the police establishments of adjacent authorities, for the purpose of effecting any specific measure.

and all police authorities will aid each other in maintaining the public peace;

Clause 4th.—Military aid may be resorted to, as directed in Regulation XXII. of 1827, Chapter VIII., when there is reason to apprehend that such resistance will be made to legal process, or such violence offered to public tranquillity, as cannot easily be overcome by the police establishment.

military aid also, if necessary, will be supplied.

SECTION XXXII.—*Clause* 1*st*.—In a case of murder or other offence of highly atrocious nature, when the perpetrator (or perpetrators) cannot be found or is unknown, the magistrate shall have authority to offer a reward by proclamation for apprehension or discovery; and likewise a Court of Circuit or the Sudder Foujdaree Adawlut shall have authority to direct the magistrate so to do.

In atrocious cases the magistrate, to procure the apprehension or discovery of offenders, may offer a reward, * * *

Clause 2*nd*.—A reward offered on the magistrate's authority shall not exceed fifty (50) rupees, nor one offered on the authority of a Court of Circuit one hundred (100) rupees, nor one on the authority of the Sudder Foujdaree Adawlut two hundred (200) rupees; if a larger amount be deemed desirable the case shall be reported to Government, and such reward offered as it may sanction.

* not exceeding fifty rupees; the Court of Circuit may offer one hundred rupees, and the Sudder Foujdaree Adawlut two hundred rupees; larger rewards to be sanctionod by Government.

Clause 3*rd*.—The proclamation shall specify the offence alleged, with whatever is known in identification of the perpetrator or perpetrators, also the amount of reward and the condition which confers a right to it, whether it be the discovery, seizure or conviction of the criminal or criminals.

Proclamation to specify the reward and the conditions which will entitle to it.

Clause 4*th*.—When the said condition is fulfilled, the reward shall be paid by the collector to the order of the authority before which the condition was completed; but that authority shall always be competent to withhold any part of the reward, if the person claiming it have used unwarrantable means or unnecessary harshness in effecting his purpose.

Reward to be paid by the collector on the order of the authority before whom the condition is fulfilled, who may in certain cases withhold any part of it.

Clause 5*th*.—It is to be understood that no officer on a police establishment shall be entitled to demand as a right a proclaimed reward under this section, but it shall be competent to the authorities respectively referred to in the preceding clause to adjudge in the manner therein stated the whole or any part of such award, or the value thereof, in such shape as may be judged appropriate, to any such officer who may have

Police officers cannot demand proclaimed rewards, but may be otherwise remunerated on occasion as may be deemed expedient.

fulfilled the condition thereof in a manner meriting such extraordinary remuneration, and it shall also be competent to those authorities to adjudge to a person, who may have partly fulfilled the conditions of the proclamation, a part of the reward, if his conduct be thought to merit the same.

The Court of Circuit may also assign to those who have aided in apprehending atrocious criminals a suitable reward,

Section XXXIII.—*Clause* 1*st.*—The Court of Circuit shall have authority to adjudge rewards to individuals, whether or not in the public service, whose conduct may have merited the same in apprehending or aiding to apprehend the perpetrators of murder, or other highly atrocious offence, provided they be convicted.

* *

within certain pecuniary limits;

Clause 2*nd.*—Such reward shall not exceed in value one hundred (100) rupees for the seizure of a leader of a gang; twenty (20) rupees for that of an accomplice, if only one be convicted, and ten (10) rupees each, if more than one be convicted, and the amount shall be paid by the collector to the order of the court.

as also remuneration generally to those who distinguished themselves in police duties.

Clause 3*rd.*—And the Court of Circuit shall likewise have authority to adjudge a reward not exceeding in value fifty (50) rupees (payable as above) to persons, whether in the public service or not, who may be deemed to have merited such remuneration by perilous or laborious exertions, or other valuable aid, in maintaining the public peace or apprehending offenders.

In highly atrocious cases the evidence of an accomplice may be procured by a grant of pardon by the magistrate;

Section XXXIV.—*Clause* 1*st.*—In a case of murder or other offence of highly atrocious nature, if it should appear that the evidence of an accomplice is necessary to procure the conviction or apprehension of a criminal or criminals, whose punishment or detection is a primary object, or that without such evidence the prosecution would fail altogether, the magistrate shall have authority to grant a pardon to such accomplice, on his promising fully and faithfully to disclose all the circumstances within his knowledge, and to give his evidence throughout the trial without prevarication or fraud.

* * * * * *

Clause 2nd.—The offer of pardon may be made either personally to the accomplice or by proclamation stating the nature of the disclosure required, and excepting the persons towards whose convicton or apprehension it is directed from benefiting thereby; and the magistrate shall enter on his records reasons in full for offering the same.

the conditions and particulars being recorded.

Clause 3rd.—A Court of Circuit or the Sudder Foujdaree Adawlut shall be competent to direct a pardon to be offered under the above circumstances in the manner above described.

Corresponding powers vested in the superior tribunals.

SECTION XXXV.—*Clause 1st.*—*A certificate of pardon shall be granted to the accomplice previously to his evidence being received, and such pardon shall not be liable to be disturbed; but if the accomplice should withhold his evidence or give false testimony, he shall be liable, in the same manner as any other witness, to the penalties thereby incurred.*

A pardon cannot be disturbed, but the accomplice may be punished if he fails to give true evidence;

This clause is repealed by Act XV. of 1838.

Clause 2nd.—The evidence of an accomplice shall operate against a prisoner only so far as it corroborates that of other witnesses, or strengthens impressions produced by circumstances.

his testimony being received with caution.

SECTION XXXVI.—In cases of treason, the measures described in the two preceding sections respecting pardons to accomplices shall be adopted only when directed by Government, by which authority the offer or grant of any rewards that may be deemed expedient shall also be regulated.

Pardons to accomplices in treason to be offered only by Government.

SECTION XXXVII.—*Clause 1st.*—When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the police establishment, with regard to prevention, detection or apprehension, it shall be competent to the magistrate to investigate

Villages in certain cases responsible for robbery committed within their bounds by fine;

* *

the matter as a criminal offence, and if the fact be well substantiated to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve.

leviable by the collector;

Clause 2nd.—If the fine be awarded against the inhabitants at large, it shall be realized by the collector in the same manner as revenue demands, and paid to the order of the magistrate; if against individuals of the police establishment, it shall be levied by imprisonment in commutation, as directed for fines in general in Regulation XIV. of 1827, Section IX.

and orders to that effect may be given by a Court of Circuit.

Clause 3rd.—And a Court of Circuit shall be empowered to cause a magistrate to levy and dispose of a fine in the manner above stated, when the circumstances detailed in the 1st Clause of this section occur in a case decided before the said court.

In certain atrocious cases the magistrate, after obtaining the sanction of the Sudder Foujdaree Adawlut,

Section XXXVIII. — *Clause 1st.* — If a person charged with murder or other offence of highly atrocious nature, for whose apprehension formal process has been issued, should abscond or conceal himself, so that he cannot be found, the magistrate shall, if he considers the case of sufficient importance to require the measures described in the succeeding Clauses of this Section, forward a report of all the circumstances to the Court of Sudder Foujdaree Adawlut and request its sanction to adopt them, on receiving which he shall proceed as follows:

may proclaim the alleged offender, and require him to appear within a specified time,

Clause 2nd.—A proclamation in the form of Appendix (J), stating the name of the party and such other description as may be necessary to identify him, and requiring his attendance before the magistrate or any specified police officer within a specified period, being not less than one (1) month from the date of the proclamation, shall be issued, by being read aloud on

three successive days, at the most public place of the town or village where the party usually resides, and by a copy thereof being tendered to some servant or relation (if any such can be found) of the party, and by copies being fixed on the door of his house, some public place at the said town or village, at the head of police kutcherry of the district, and any other places which may occur to the magistrate as necessary to secure publicity.

and if he fails, may attach all his property,

Clause 3*rd.*—If the party shall not appear as required within the period specified, the magistrate shall attach all his property within the jurisdiction, both movable and immovable, and deliver it to the collector, to be kept and managed as directed for property attached by virtue of Regulation XXV. of 1827, Chapter II.

to be detained at the discretion of Government if he does not surrender himself within four months:

Clause 4*th.*—If the party deliver himself up within four (4) months after the period specified in the proclamation has expired, the attached property shall be returned to him, with whatever proceeds may have been realized from it during the attachment, otherwise the magistrate shall report the case to the Governor in Council, who will issue such orders as he may deem expedient, according to the principles of Regulation XXV. of 1827.

these measures may be directed by the Sudder Foujdaree Adawlut or Court of Circuit.

Clause 5*th.*—A Court of Circuit or the Sudder Foujdaree Adawlut shall be competent to direct the magistrate to follow the procedure prescribed by this Section in any case which it may deem to require it.

Bahurwutaees, and similar desperate outlaws,

Section XXXIX. — *Clause* 1*st.* — If any person under the influence of animosity shall have notoriously abandoned his home for hostile purposes (as understood by the term Bahurwutaee) and there be reasonable apprehension that he meditates, and has the means of creating disturbance to the tranquillity of any zilla, the magistrate thereof shall report the case to the Court

of Sudder Foujdaree Adawlut, which, if it think necessary, shall adopt the following measures.

on the sanction of the Sudder Adawlut, may be proclaimed,

Clause 2*nd.*—The said court may, in lieu of the proclamation specified in Section XXXVIII., Clause 2nd, or at any time subsequent to the publication thereof, issue a proclamation in the form of Appendix (K), by which the party incurs banishment from whatever districts it may be considered expedient to prevent his entering, in the event of his not delivering himself up within the period specified in the proclamation, which shall not be less than sixty (60) days from the date thereof: this proclamation shall be forwarded to the magistrates of whatever districts may be named in it, and shall be promulgated in the manner described in the 2nd Clause of Section XXXVIII., at the place where the party usually resides, and by a copy being read and affixed at the most public spot of the place where every district police officer is stationed throughout the said districts.

and declared banished on not delivering themselves up within sixty days;

and if apprehended, when banished, in the prohibited territories, shall be deemed state prisoners,

but shall be tried for their offences;

Clause 3*rd.*—If, after the expiration of the period, the party have not delivered himself up, the sentence of banishment shall be in full force, and if he enter any of the districts to which it refers, he shall, whenever apprehended, be considered as a state prisoner, and information shall be forwarded to Government, that instructions may be issued regarding him on the principles of Regulation XXV. of 1827; but if any criminal offence be charged against the party, the reference to Government shall be delayed until he has been tried for the same, and the result, after he has been either acquitted or punished, leaves his person disposable.

but upon cause shown the Sudder Adawlut may recal such sentence of banishment.

Clause 4*th.*—But if the causes for issuing a sentence of banishment, as above authorized, shall have ceased, previous to the party being apprehended, and he should appear deserving of lenity, it shall be competent to the Court of Sudder Foujdaree Adawlut to recall the said

sentence, which shall be done by sending a certificate in the form of Appendix (L), to every magistrate to whom the proclamation mentioned in the 2nd Clause of this Section was forwarded, which certificate shall be published in the same manner as directed for the said proclamation, and the party himself shall be entitled to a copy thereof authenticated by any of the said magistrates.

CHAPTER V. * *

OF THE DUTIES OF DISTRICT POLICE OFFICERS.

A proclamation of Government, dated 8th December, 1842, issued under Act XX. of 1835, vests Mahalkurrees with the authority conferred by this Chapter on District Police Officers.

For joint police officers, see Regulation III. of 1833.

District police officers

SECTION XL.—*Clause 1st.*—Each district police officer shall aid the magistrate in the discharge of his functions, by performing the duties described in the sequel within the limits under his charge.

to obey the zilla magistrate and control the subordinate police officers,

Clause 2nd.—He shall act in immediate subordination to, and execute processes issued by the zilla magistrate, and shall in similar manner have superintendence and controul over the village police officers, whose duties are explained in the following Chapter.

duly reporting misconduct and all matters of importance,

Clause 3rd.—He shall report to the magistrate instances of neglect, oppressions or extortions committed by subordinate police officers; also deficiencies in the police establishments; and he shall keep the magistrate well informed of the state of police in general, and matters connected therewith.

and maintaining peace and order.

Clause 4th.—He shall station peons at markets and places of public resort, in order to preserve tranquillity, and enforce such local rules as may be instituted for public convenience at the same, and he shall dispose of the police establishments in his district, so as to

provide the utmost possible efficiency in preventing and opposing plunderers or disturbers of the public welfare.

Jurisdiction of the district police officer,

Section XLI.—*Clause* 1*st.*—The district police officer shall have authority to punish trivial cases of theft, abuse, assault or resistance to public officers in the discharge of their duty, provided information be laid within one month after the act was committed, by fine not exceeding five (5) rupees, confinement in any suitable place not exceeding eight (8) days, or placing in the stocks or other similar restraint for a period not exceeding twelve (12) hours.

*

The jurisdiction of district police officers is extended by Regulation IV. of 1830, 2nd Supplement, so as to include fine of Rs. fifteen, and twenty days imprisonment.

his proceedings and records:

Clause 2*nd.*—The arrest of the culprits, and other proceedings in sueh cases, shall not require any written process, nor other record than the name of the offender, the offence proved, and the punishment assigned, with the respective dates; and this record shall be forwarded monthly to the magistrate: witnesses may also be verbally summoned and required to depose on oath; and refusing to attend or depose, may be forcibly conveyed to the zilla magistrate, who shall be authorized to punish them by fine not exceeding ten (10) rupees, or ordinary imprisonment without labour for a term not exceeding twenty (20) days:

refusal to give evidence before him how punishable;

complaints on matters punishable by him may be withdrawn on a record being made.

Clause 3*rd.*—And it shall be optional with the complainant to withdraw his plaint, or make private compromise, at any stage of the proceeding: in which case, however, the complaint and withdrawing shall be recorded as above directed.

*

When necessary, the district police officer's penal jurisdiction may be extended,

Section XLII.—*Clause* 1*st.*—In districts where peculiar occasion may exist for the police officer to exercise a more extensive penal authority than allowed by the preceding Section, it shall be competent to the

Governor in Council to invest him with such, by order addressed to the court of Sudder Foujdaree Adawlut, specifying (within the limits mentioned in the succeeding Clause) the extent of punishment which he shall be authorized to adjudge; whereupon the said court shall forward a proclamation in the form of Appendix (M) to the msgistrate, who shall cause it to be affixed to a conspicuous part of the police kutcherry at the Sudder station, and at the respective districts, and thereafter it shall be in force.

by proclamation,

Clause 2nd.—The said extended powers shall not exceed ordinary imprisonment without hard labour for a period of two (2) months, fine of thirty (30) rupees, twenty (20) stripes, or personal restraint, or any of these combined: the offences for which they may be inflicted shall be the same as those mentioned in Clause 1st of the preceding Section, without however the restriction as to the period at which the offence may have been committed applying to thefts, and all process and proceedings shall be conducted and recorded in the same way as prescribed for the magistrate in Section XIV. of this Regulation, and shall be forwarded to him monthly with the record mentioned in Clause 2nd of the preceding Section.

to imprisonment for two months, fine thirty rupees, twenty stripes, and personal restraint, singly or combined: cognizable offences being the same, but not the limitation of time,

and proceedings and records shall be more formal, and shall be transmitted monthly to the magistrate,

Section XLIII.—*Clause 1st.*—The district police officer shall forward in custody to the magistrate any person whom he may have reasonable cause to suppose to have been guilty of any penal offence of a nature more serious than those which he is empowerd to try, and according to the principles of Section IX., Clause 3rd, he is authorized to apprehend such person without written process: but he shall, after securing the suspected persons, investigate the matter, examine witnesses, and record such statements as the prisoner may voluntarily make, causing to be affixed thereto the signatures of two creditable persons in attestation, and,

Persons suspected of a crime to be apprehended and examined, and if requisite forwarded to the magistrate,

if the result confirm that there is occasion to bring the party to trial, the said proceedings shall be forwarded with him to the magistrate.

the attendance of witnesses being also secured,

Clause 2nd.—The witnesses in the above cases shall also be forwarded to the magistrate, or their attendance before him secured by recognizance or security in the manner prescribed in sections from XXIV. to XXVII. both inclusive, and articles stolen or required in evidence shall be secured as directed in Clause 4th, Section IX., and forwarded to the magistrate; and if a prisoner should be desirous of furnishing security for his appearance in preference to being conveyed in custody, the district officer may accept the same, observing that, by the above quoted Rules, murder and offences against the state are cases in which the party cannot be admitted to bail.

and prisoners, when fitting, being allowed to furnish bail.

Offences to be prevented by apprehending the party who meditates them,

Clause 3rd.—If there be reasonable cause to suppose that any person meditates disturbance to the public tranquillity, or is likely to commit any penal act, the district police officer shall cause him to be conveyed to the magistrate in the manner and with the forms directed by the two preceding clauses with regard to persons who are supposed to have committed offence: but, if the act apprehended be personal assault, it shall instead be competent to that officer to bind over the party by recognizance or security as above stated, if he consider the measure sufficient to ensure peaceable demeanour, provided that forfeiture of the same shall only be determined by trial before some superior authority.

or binding him to good behaviour.

Prisoners for transmission to the magistrate not being detained for more than forty-eight hours without strong cause.

Clause 4th.—The district police officer shall not delay the transmission of prisoners for a longer period than forty-eight (48) hours, unless for indispensable reasons, which must always be reported with the case, or before it, to the magistrate.

The district police officer to investigate se-

Section XLIV.—*Clause 1st.*—When offences of a

serious nature are committed, the district police officer shall repair to the spot and investigate them personally, if other business permit:

rious offences on the spot,

Clause 2nd.—And if a murder be committed, or any person die under circumstances conveying suspicion that his death has been unlawfully occasioned, the district police officer shall be careful to cause investigation thereof by means of an inquest, if the measure have not already been adopted by the village officer, to be held by three or more creditable individuals, whose report shall be committed to writing, and form part of the evidence in the case.

particularly murder,

when an inquest must be held:

Section XLV.—*Clause 1st.*—It shall be the duty of the district police officer to suggest to the magistrate such local rules as he may consider conducive to the comfort and benefit of the community and to the prevention of vice and crime, and to execute such measures for these purposes as the magistrate may direct under the authority conveyed in Section XIX.

to suggest salutary rules to the magistrate:

*

Clause 2nd.—The district police officer shall keep standards of weights and measures for public inspection, and take charge of stray animals and property found without an owner, reporting the same to the magistrate, that they may be disposed of according to the principles of Section XIX., Clause 8th.

to keep standard weights and measures, and stray animals, reporting the same:

*

Clause 3rd.—And if public dealers or labourers should refuse to furnish their services for public purposes, as provided in Section XVIII., Clause 1st, the district police officer may, in cases of emergency, enjoin compliance, and on complaint of the misbehaviour of servants, as adverted to in Section XVIII., Clause 2nd, shall require fair and reasonable conduct, and in the event of disobedience in either instance shall report the case to the magistrate, or forward the offender to him, if circumstances denote that interposition to such extent is required.

to enforce fair conduct on the part of labourers and dealers,

appealing, when requisite, to the magistrate:

and to prevent illegal acts and force of any kind.

Clause 4th.—Any intention to take forcible possession of property, or to remove or alter boundary marks, or to commit any other illegal act as adverted to in Section XVI., shall be met with prohibition from the district officer, and if necessary the act shall be prevented by the same measures of binding over or conveying to the magistrate which he is directed to adopt against persons thought likely to commit a breach of the peace, in the 3d Clause of Section XLIII.

All police officers may demand public aid on certain occasions, and those who withhold it may be sent to the magistrate.

Section XLVI.—*Clause 1st.*—District or other police officers are mutually to afford aid to support each other's lawful authority, which may also be demanded from individuals as detailed in the three first Clauses of Section XXXI.; and persons withholding it may be seized and conveyed to the magistrate to be proceeded with as therein stated.

The district police officer may also demand military aid direct in emergent cases, reporting the same.

Clause 2nd.—If military aid be required, the magistrate will apply for it; but if the occasion be so emergent as to induce the district police officer to request immediate assistance from any troops which may be at hand, he shall immediately report the same, with a detail of all circumstances, to the magistrate.

He is also to furnish returns, and make official arrangements as directed by the magistrate.

Section XLVII.—The district police officer shall furnish to the magistrate any returns relating to the business of the department which the latter may require; and he shall observe such forms and arrangement in keeping and forwarding records as the latter may direct.

CHAPTER VI.

OF THE DUTIES OF THE VILLAGE POLICE OFFICER OR HEAD OF A VILLAGE, AND OF VILLAGE POLICE.

The village police officer to obey the district police officer and the magistrate:

Section XLVIII.—*Clause 1st.*—The village police officer shall act in subordination to the zilla magistrate and police officer of the district in which the village may be situated. His official communications

shall be held with the latter, unless the magistrate find it more convenient to direct their being made to himself or one of his assistants, in which case such part of the following rules as relates to making communications to the district police officer shall be applicable to the said magistrate or assistant.

his communications being made as directed by the latter.

Clause 2nd.—The village police officer shall have authority to employ all revenue servants belonging to the village, each in his respective capacity, to aid in performing the duties described in the sequel, it being the particular duty of those employed in keeping the revenue accounts to frame all written returns and proceedings for the police officer. He may also demand aid from individuals, provided it be not of a nature inconsistent with religious usages, and he may seize any person refusing to afford it, and convey him to the district police officer, who, if satisfied that the aid was refused, will proceed as if such denial had been made to his own requisition.

The village police officer has under him as police officers the subordinate revenue servants:

and may demand aid from the community, and forward to the district police officer those who withhold it.

Clause 3rd.—The village police officer shall furnish such returns relating to the business of his department, and adopt such form in his communications, as may be called for by the district police officer, with the immediate authority of the zilla magistrate. He shall keep the district police officer well informed of the state of police in the limits of his village, the state and efficiency of the police establishment, and all matters connected with the above, and he shall execute any process issued for that purpose by the zilla magistrate or district officer.

He is to furnish authorized returns and communications to the district police officer,

afford all useful information, and execute orders;

Section XLIX.—*Clause 1st.*—The village police officer shall have authority to punish trivial cases of abuse or assault, provided the trial be held within eight (8) days after the act was committed, by confinement in any suitable place for a period not exceeding twenty-four (24) hours.

also to punish trivial offences.

His proceedings how regulated, and witnesses how compelled to give evidence. The complaint may be at any time withdrawn.

Clause 2nd.—The proceedings in such cases shall be verbal, and held in the presence of the parties, and persons refusing to attend or give evidence may be seized and conveyed to the district officer to be dealt with as directed in the 2nd Clause of the preceding Section; but it shall always be optional with the complainant to withdraw the complaint and make private compromise.

Monthly record required.

Clause 3rd.—The names of the parties, the alleged offence, and the punishment, acquittal, or withdrawing the complaint, shall be recorded with their respective dates, and forwarded monthly to the district officer for transmission to the zilla magistrate.

Offenders to be apprehended and with all information procured forwarded to the district police officer.

Section L.—*Clause 1st.*—The village police officer shall apprehend and convey to the district officer any person within the limits of the village whom he may have reason to suppose to have committed elsewhere any penal act, or within the said limits any such act of a nature more serious than those which he is himself authorized to punish. He shall also forward with the offender all persons who may be capable of giving evidence respecting the same, and articles which may have been stolen, or are required to be produced in elucidation.

Witnesses to be summoned and examined, and stolen articles searched for and seized under certain regulation;

Clause 2nd.—In order to ascertain the above points, the village officer shall have authority to call and examine witnesses and search for concealed articles, observing that such search be not made in a dwelling-house between sun-set and the ensuing sun-rise without urgent occasion, and that by every means consistent with the object in view, intrusion on domestic and religious privacy be avoided; and further, that a house belonging to a person of any of the higher classes of society be not searched, except on order by the district police officer or higher authority; and in order to effect the seizure of offenders, the village

the police of other villages assisting in case of need.

police officer shall be competent, when necessary, to call on the establishments of adjacent villages to co-operate with him.

Persons withdrawing assistance, or otherwise offering obstruction, may be sent to the district police officer,

Clause 3*rd.*—Persons who may refuse to assist, attend, or give evidence, or who may obstruct a search or other process, shall be seized and conveyed to the district officer, who, if satisfied of the fact, shall deal with them as if the same had occurred in a case before himself.

no person being detained for more than twenty-four hours.

Clause 4*th.*—The transmission of a prisoner shall not be delayed for a longer period than twenty-four (24) hours, unless for indispensable reasons, which must be reported forthwith to the district officer.

Absconding offenders to be immediately reported to the district police officer,

Section LI.—*Clause* 1*st.*—If an offence be committed within the limits of the village, the perpetrator whereof has escaped or is not known, the village officer shall investigate the matter, and forward immediate information with all procurable evidence to the district officer.

and pursued throughout the British jurisdiction until apprehended.

Clause 2*nd.*—And perpetrators of offences who may escape from the limits of the village wherein the same may have been committed, shall be pursued throughout the British jurisdictions, all village officers being enjoined to give mutual aid on such occasions; and when such perpetrators are seized, they shall be conveyed to the district officer within whose jurisdiction their apprehension has been effected.

When a person dies or a corpse is found under suspicious circumstances an inquest must be held and the result recorded, and transmitted to the district police officer;

Section LII.—*Clause* 1*st.*—If a person should die under circumstances which afford suspicion that death has been unlawfully occasioned, or a corpse be found, the village police officer shall forthwith assemble an inquest, to be composed of three or more creditable persons belonging to the village, who shall investigate the causes and circumstances, and make a written report of the same, which the village officer shall forward to the district officer to be used during ulterior proceedings as evidence.

Reg. XII. 1827. Chap. VI.

and a person unduly refusing to give aid may be sent to the district police officer;

whose permission shall be obtained before the corpse is disposed of.

Clause 2nd.—And any person refusing to perform the above duty shall be seized and conveyed to the district officer, who if satisfied of the fact will deal with the offender as if the denial had been made to his own requisition.

Clause 3rd.—The village police officer shall also, if possible, delay the burning or burial of the corpse until the permission of the district police officer is obtained.

Offences to be prevented by apprehending the party who meditates them and sending him to the district police officer;

SECTION LIII.—*Clause 1st.*—If the village officer has reason to suppose that any person meditates, or is likely to commit an assault, to take forcible possession of property, to alter boundary marks without the consent of those concerned, or to commit any other penal act, he shall apprehend such person by the same means as above prescribed for seizing offenders, and convey him to the district officer.

who is also to be apprised of suspicious disposal of property,

Clause 2nd.—He shall report to the district officer all instances which may come to his knowledge of property being disposed of, or valuable articles altered in such way as indicates that they have been unlawfully acquired.

or other matters affording ground of distrust.

Clause 3rd.—He shall also so report instances which may come to his knowledge of individuals adopting habits connected with a predatory or desperate course of life, and of their leaving their homes for supposed hostile purposes, or assisting in any way individuals who have acted as above described.

All stray animals and property to be secured by the village police officers and reported;

Clause 4th.—He shall take charge of stray animals and property found without an owner, reporting the same to the district officer, and disposing of them as he may direct.

and the village police establishment to be employed in the best way, and any misconduct duly made known.

Clause 5th.—And he shall dispose of the village establishment so as to afford the utmost possible security against robbery, assault and acts injurious to the community, and report to the district officer all in-

stances of misconduct or neglect committed by any part of the said establishment. Reg. XII. 1827. App. (A).

APPENDIX (A).

(See Section III., Clause 5th.)

Form of Oath to be taken by the Zilla Magistrate and his Assistant.

I., A. B., appointed magistrate [*or* "first, second," *and so forth*, "assistant to the magistrate," *as the case may be*] of the zilla of ——, do solemnly swear that I will, to the best of my ability, preserve the peace of the said zilla; that I will act with impartiality and integrity, and will not exact or receive directly or indirectly, or knowingly permit any person under my control or in my service to exact or receive directly or indirectly, any fee, reward or emolument whatever, in the execution of or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council.

[*Date.*] So help me God.

(Signed) A. B., Magistrate,

[*or* "first, second," *&c.* "assistant to the magistrate"].

APPENDIX (B).

(See Section V.)

Commission to be issued to a District Police Officer not employed in the Revenue Department.

(Magistrate's Seal.)

To [*insert the officer's name and that of his father*].

You are hereby appointed police officer for [*insert the name or boundary of the district*], and invested

Reg. XII. 1827. App. (B).

with authority for the purpose of aiding the magistrate in preserving the peace, preventing offences, apprehending offenders, and promoting the welfare of the community at large in that district. You are to perform these duties in the manner prescribed in the Regulations, carefully superintending the conduct of subordinate police officers.

[*Date*]. [*Magistrate's signature*].

APPENDIX (C).

(See Section VI., Clause 1st.)

Commission to be issued to a Village Police Officer.

(Magistrate's Seal.)

To [*insert the officer's name and that of his father, with his caste or profession*], of [*insert the name of the village*].

You are hereby appointed police officer for the village of [*insert the name of the village and the purgunna or division in which it may be situated*] and are vigilantly to preserve the peace thereof, to apprehend offenders, and prevent offences therein, to follow carefully such instructions as may be issued by the magistrate or the district officer, and employ the village establishment in its respective duties; all which you will perform in the manner directed in the Regulations, an extract from which is herewith furnished to you.

[*Date*]. [*Magistrate's signature*].

APPENDIX (D).

(See Section IX., Clause 2nd.)

Form of Summons for the Attendance of a Person charged with an Offence.

To ——, inhabitant of ——.

Whereas you stand charged with the crime of ——,

you are hereby required to appear in person [*or* "by vakeel"] before me at my kutcherry at ——, on or before the —— day of ——, to answer to the said charge. Herein fail not.

Dated the —— day of —— 18—,
corresponding with [*insert the native date*].

[*Signature of the magistrate, or assistant to the magistrate*].

APPENDIX (E).

(See Section XIII., Clause 1st.)

Form in which the Zilla Magistrate is to communicate Sentences to be executed by the Criminal Judge.

To A. B.

Criminal judge of [*insert the name of the zilla*].

The undermentioned convict is herewith delivered to your custody to undergo the sentence herein stated.

Convict's name.	*Offence of which convicted.*	*Sentence.*

[*Date*]. [*Magistrate's signature*].

APPENDIX (F).

(See Section XIII., Clause 2nd.)

Form of Proclamation to announce the Extension of a Zilla Magistrate's Penal Jurisdiction.

Whereas [*here recite the reasons which have led to the extension of zilla magistrate's powers*] it has in consequence appeared expedient to the Governor in Council that the magistrate of the zilla of [*insert the name of the zilla*] should be vested with powers to adjudge the following punishments, either singly or combined, according to the Regulations for offences committed, viz. [*here recite the punishments*], this proclamation is therefore issued agreeably to Section XIII., Regulation XII. of 1827, for the purpose of conferring the above recited powers on the said magistrate of the

Reg. XII. 1827. App. (F).

zilla of [*insert the name of the zilla*], and of giving public intimation of the same.

[*Signature of the Secretary to Government*].

[*Date*].

APPENDIX (G).

(See Section XIII., Clause 3rd.)

Form of Proclamation to announce that the Zilla Magistrate is invested with Power to make Commitments for Trial before a Court of Circuit.

Whereas [*recite the reasons for investing the magistrate with the said power*] it has in consequence appeared expedient to the Governor in Council that the magistrate of the zilla of [*insert the name of the zilla*] should be vested with power to commit for trial before a court of circuit the perpetrators of offences which that tribunal is accustomed to try; this proclamation is therefore issued agreeably to Section XIII., Regulation XII. of 1827, to confer the said power, and give public intimation of the same.

[*Signature of the Secretary to Government*].

[*Date*].

APPENDIX (H).

(See Section XXIV., Clause 1st.)

Form of Recognizance Bond.

Whereas I [*insert the name of the party, and if the party be a male, the name of his father, also his caste and profession,—if the party be a female, the name of her husband, if married, and of her father, if unmarried*] have been required by [*insert the authority before whom the process is made*] to [*insert the act which is to be performed or refrained from*], I hereby engage to act according to the said requisition, and in failure thereof to forfeit to the sirkar the sum of [*insert the amount*], being aware that, if such payment be not

made, I shall be liable to be imprisoned in the criminal gaol for a period of [*insert the period*]. Reg XII. 1827. App. (H).

[*Date*]. [*Signature of the party*].

Executed before me,

[*Signature of the authority before which executed*].

APPENDIX (I).

(See Section XXIV., Clause 3rd.)

Form of Security Bond.

Whereas A. B., [*insert the party's name, caste and profession*] inhabitant of ——, has been required by [*insert the authority before which the bond is executed*] to furnish security for [*insert the act to be performed or refrained from*], therefore I, [*or* "we," *insert the names, castes and professions*] residing at ——, engage, on the part of the said A. B., that he will act as above required; and that if the said A. B. fail in the said condition, I [*or* "we"] will forfeit to the sirkar the sum of —— rupees, to be exacted from either of us, or from both or all of us jointly [*this to be inserted if there be more than one security in the same bond*], being aware that, if I [*or* "we"] fail to pay the above-mentioned sum, I [*or* "we"] subject myself [*or* "ourselves"] in lieu thereof to imprisonment for the term of [*insert the period*] in the criminal gaol of the zilla.

It is to be understood that I [*or* "we"] am [*or* "are"] at liberty to release myself [*or* "ourselves"] at any time from the future consequences of this security bond, provided that its conditions shall not then have been infringed, by delivering up the said A. B. to the said [*insert the authority taking the bond*], or giving thereto information by which his apprehension is effected, and stating my [*or* "our"] wish to be so released.

(Signed) [*By the security or securities*].

[*Date*].

Executed before me,

[*Signature of the authority before which executed*].

APPENDIX (J).

(See Section XXXVIII., Clause 2nd.)

Form of Proclamation to be made previous to attaching the Property of a Fugitive.

(Magistrate's Seal.)

Whereas [*insert the name of the party, his residence, and any denomination by which he may be generally known, or such description as will suffice to identify him*] has been charged with [*insert the offence*], this is to give notice that his attendance before [*insert the authority and its station*] is required within [*insert the period*] from the date hereof; and if he do not attend accordingly, his property will be attached by virtue of Regulation XII. of 1827, Section XXXVIII.

[*Date*]. [*Magistrate's signature*].

APPENDIX (K).

(See Section XXXIX., Clause 2nd.)

Form of Proclamation to be made previously to the Banishment of a Fugitive.

(Seal of the Sudder Foujdaree Adawlut.)

Whereas A. B. [*insert his age, a description of his person, caste and profession, or so much of these as is known*], supposed to be an inhabitant of [*insert the place*] is charged with *bahurwutaee* and [*insert any other offence which the party may be accused of*], he is hereby required to deliver himself up to the magistrate at [*insert the station*] within two months from the date hereof.

And if he do not so deliver himself up, he will be under sentence of banishment for life from the zilla [*or* "zillas"] of [*insert the name or names*], and on appearing in any part thereof will be liable to be im-

prisoned for life by virtue of Regulation XII. of 1827, Section XXXIX. Reg. XII. 1827. App. (K).

[*Signature of the Register to the Court of Sudder Foujdaree Adawlut*].

[*Signature of the magistrate*].

[*Date at which the proclamation is published to be inserted by the magistrate*].

APPENDIX (L).

(See Section XXXIX., Clause 4th.)

Form of a Certificate for Recall of a Sentence of Banishment.

(Seal of the Sudder Foujdaree Adawlut.)

Whereas A. B. [*insert the same particulars which were mentioned to identify the party in the proclamation of banishment*] was banished from [*insert the places*] by a proclamation dated [*insert the date*]:

This is to give notice, that the said sentence of banishment is recalled, and that the said A. B. will not be proceeded against in consequence of the said sentence, if he should return to the said places.

[*Signature of the Register to the Court of Sudder Foujdaree Adawlut*].

[*Date*].

APPENDIX (M).

(See Section XLII., Clause 1st.)

Form of Proclamation to announce that a District Police Officer's Penal Jurisdiction is extended.

(Seal of the Sudder Foujdaree Adawlut.)

Whereas [*here recite the reasons which have led to the extension of the district police officer's authority*] it has in consequence appeared expedient to the Governor

Reg. XII. 1827. App. (M).

in Council that the police officer of the district of [*insert the district*] should be vested with powers to adjudge the following punishments, either singly or combined, according to the Regulations for offences committed, viz. [*here recite the punishments*] and to try cases of [*here recite, as far as may be practicable, the offences cognizable by him*] and the Court of Sudder Foujdaree Adawlut has been directed to announce the grant of the above recited powers to the said police officer of the district of —— in the mode prescribed by Regulation XII. of 1827, Section XLII.: this proclamation is therefore issued for the purpose of conferring the above recited powers on the said police officer of the district of ——, and of giving public intimation of the same.

[*Signature of the Register to the Court of Sudder Foujdaree Adawlut*].

[*Date*].

SUPPLEMENTS OF REGULATION XII. OF 1827.

REGULATION XII., A. D. 1828.

SUPPLEMENT I. TO REGULATION XII. OF 1827.

A Regulation for giving to Assistant Criminal Judges, where expedient, when stationed elsewhere than at the Sudder Station of a Zilla, the Police Powers within the Limits of the Town where he may be stationed; and for empowering Zilla Magistrates to refer Cases to such Assistant Criminal Judge, instead of the Criminal Judge:—passed by the Governor in Council of Bombay on the 20th of August, 1828, corresponding with the 10th Shravan Sood Sumbut or Vikramajeet Era, 1884, Salbahan, 1750, Fusly, 1238, Soorsun, 1229, and 8th Suffer, 1244, of the Hijree.

This Regulation is rescinded by Regulation III. of 1830.

Reg. IV. 1830.
Sup. II. to
Reg. XII. 1827.

REGULATION IV., A. D. 1830.

SUPPLEMENT II. TO REGULATION XII. OF 1827.

A Regulation rescinding such Parts of Regulation XII. of 1827 *as vest the Criminal Judge with Police Jurisdiction of the Magistrate and his Assistants:—passed by the Honourable the Governor in Council of Bombay, on the 27th day of January,* 1830, *corresponding with the* 3rd *Maha Sood Sumbut or Vikramajeet Era,* 1886, *Salbahan,* 1751, *Fusly,* 1239, *Soorsun,* 1230, *and* 2nd *Shaban,* 1245, *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient to rescind such parts of Regulation XII. of 1827 as vest the criminal judge with police jurisdiction and to vest the magistrates with the police of the Sudder stations, and to extend the penal jurisdiction of the magistrate and his assistants, the following rules have been therefore enacted, to have effect from the date of promulgation.

Rescinding such parts of Regulation XII. of 1827 as vest the criminal judge with the police jurisdiction, and placing the police of the Sudder station with the magistrate.

SECTION I.—*Clause* 1*st.*—Such parts of Sections I. and II. of Regulation XII. of 1827 as vest the criminal judge with police jurisdiction, and Clause 4th, Section II., Regulation XXXI. of 1827, are hereby rescinded (*except as applicable to the city and Sudder station of Surat, the police of which is to remain as at present under charge of the judge and his assistants*), and it is enacted that the police of the Sudder stations is vested in the collector in common with his police jurisdiction throughout the rest of the zillah.

The exception of Surat is rescinded by Act V. of 1846.

Cognizance of acts in breach of official duty remains with the judge.

Clause 2*nd.*—The cognizance of acts in breach of official duty by his own officers remains as is provided with the judge and session judge.

Session judges in the place of criminal judges.

SECTION II.—It being enacted by Regulation III. of 1830 that the criminal judges shall be vested with the authority and jurisdiction of session judges, and

Reg. IV. 1830. Sup. II. to Reg. XII. 1827.

be so denominated, it is hereby declared that, where in Regulation XII. of 1827, or any other Regulation the term criminal judge is used, session judge is to be considered to be in its place; and that as session judge that officer has all the duties and functions of the criminal judge.

Penal jurisdiction of the magistrate and his assistants extended to one year's imprisonment, a revision of sentences of the assistants being provided to the magistrate.

* * * * *

Section III.—In extension of the authority vested in the magistrate and his assistants by Clauses 1st and 2nd of Section XIII., Regulation XII. of 1827, it is hereby enacted that the magistrate is authorized to adjudge sentences of fine and ordinary imprisonment with hard labour to one year; and his assistants in the same manner may pass sentences to similar extent. But all sentences above three months passed by assistants shall be first referred to the magistrate for confirmation; and it is further enacted, that all other sentences of his assistants are open to the revision of the magistrate.

Act XIV. of 1835 authorizes Government to confer any of the powers of magistrate on an assistant magistrate.

Rescission of Regulation I. of 1829, the jurisdiction of the magistrates of the Dekan as is provided in the above section,

*
*

Section IV.—Regulation I. of 1828, being Supplement I. to Regulation XXX. of 1827, together with such portion of this latter enactment as confers higher powers of penal jurisdiction to the magistrate and his assistants of the Dekan, are hereby rescinded, and the same extent of penal jurisdiction as provided in the above section is vested in the magistrates and assistant magistrates of the Dekan and Khandesh as with the magistrates of the old provinces.

The authority to commit cases to the Session Court is provided as regards all magistrates by Section III., Regulation III. of 1830, and the Interpretation thereon, dated the 31st May, 1830.

District police officers empowered to punish petty offences by fine and imprisonment.

Section V.—In modification of Section XLI., Clause 1st, of Regulation XII. of 1827, it is hereby enacted, that district police officers are empowered to punish petty offences by fine not exceeding fifteen (15) rupees, and confinement not exceeding twenty days.

REGULATION III., A.D. 1833.

SUPPLEMENT III. TO REGULATION XII. OF 1827.

A Regulation for the more efficient Administration of Police in certain large Towns situated in the Zillas subordinate to Bombay: passed by the Right Honourable the Governor in Council on the 6th day of February, 1833. *Corresponding with the 2nd Maha Vud Sumbut or Vikramajeet Era* 1889, *Salbahan* 1754, *Fusly* 1242, *Soorsun* 1233, *and* 16*th Rumzan* 1248, *of the Hijree.*

Preamble.

WHEREAS it has been found expedient to establish a more efficient system of police for extensive and populous towns, by the constitution of additional authorities to be designated "Joint Police Officer," in such places as the Right Honourable the Governor in Council may from time to time determine, the following Rules have been enacted, to have effect from the date of promulgation.

Provides for the appointment of "joint police officers,"

SECTION I.—*Clause* 1*st.*—Joint police officers shall be appointed in all such towns as Government may direct, on the recommendation of the magistrates.

to whom they shall be subordinate, and what powers and jurisdiction vested in them.

Clause 2*nd.*—Such officers shall be subordinate to the native collectors of the districts within which they may be fixed; they shall nevertheless be vested with authority and jurisdiction similar to what is exercised under the Regulations by the district police officers, and shall dispose of all police matters which may be referred to them for inquiry either particularly or generally.

Rules regarding their appointment, dismissal and responsibility.

Clause 3*rd.*—The same Rules which at present exist for the appointment, dismissal and responsibility of district police authorities are to extend in all respects to joint police officers.

Reg. III. 1833. Supp. III. to Reg. XII. 1827.

Regulation by which they shall be guided in the performance of their duty.

Clause 4th.—The magistrate's authority over joint police officers and their proceedings shall be similar to what is already laid down by Regulations over other police servants on their establishment; and in the performance of their duties within the towns to which they may be nominated, the joint police officers shall be guided by the provision contained in Chapter V., Regulation XII. of 1827, and other subsequent Regulations defining or extending the same.

How to correspond with superior authorities.

SECTION II.—All communications with superior authorities shall go through the district police officers, except in cases where, from the delay caused by pursuing such a course, the public interests might be affected; or where other good and substantial reasons may exist, which shall be stated at large in the joint police officer's proceedings.

When no sentence has been adjudged, a case referred to the joint police officer may be resumed by the district police officer,

and where a sentence has been adjudged, the district police officer may suspend execution pending a reference to the magistrate.

SECTION III.—*Clause 1st.*—The district police officer may at any time, if he see fit to do so, resume a case which has been referred to the joint police officer, provided the sentence has not been adjudged.

Clause 2nd.—Where sentence has been adjudged, the district police officer may, if he should deem it necessary, suspend execution pending a reference to the magistrate, who may mitigate or annul the sentence.

REGULATION XIII., A. D. 1827.

A Regulation for defining the Constitution of Courts of Criminal Justice and the Functions and Proceedings thereof:—passed by the Governor in Council on the 1st of January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet

Era, 1883, *Salbahan*, 1748, *and 2nd Jummadyool Akhir*, 1242, *of the Hijree.*

Consisting of seven (7) Chapters, as below:

Chapter.	Title.	Section.
I.	Functions of Criminal Justice, and Establishment of Courts for its Administration	I.
II.	Of the Duties of the Criminal Judge	XII.
III.	Of the Functions of the Court of Circuit, and Duties of the Criminal Judge as connected therewith	XVI.
IV.	Of the Duties of the Special Court	XXIV.
V.	Of the Duties of the Court of Sudder Foujdaree Adawlut	XXVII.
VI.	Rules for procuring, taking, and recording Evidence, and for the Conduct of Trials by Criminal Courts	XXXIV.
VII.	Of the Gaol, and of the Custody and Treatment of Prisoners	XLII.

Preamble.

WHEREAS it is expedient, with the view of facilitating the correct discharge of their important duties by the judicial authorities, and of promoting the interest of the community at large, that the rules for the administration of criminal justice should be so framed and arranged as to be capable of easy ascertainment and speedy reference, and that they should therefore be combined in one enactment upon the subject of criminal justice, to contain provisions regarding the functions of criminal justice and the establishments for its administration, the general duties and powers of the criminal judge, those of the Court of Circuit, of the Special Court, and of the Sudder Foujdaree Adawlut, the procuring, taking and recording evidence, and conducting trials, the treatment of prisoners, and the execution of sentences, the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

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CHAPTER I.

FUNCTIONS OF CRIMINAL JUSTICE, AND ESTABLISHMENTS OF COURTS FOR ITS ADMINISTRATION.

Functions of criminal justice.

SECTION I.—*Clause* 1*st.*—The functions of criminal justice are to conduct the trials of persons accused of crimes and serious offences, and to maintain adherence to regulations made for the said purpose, and for the guidance of magistrates and police officers in general.

To be performed by the Sudder Foujdaree Adawlut, Special Court, Court of Circuit, and Criminal Judge.

Clause 2*nd.*—These functions shall be performed by the Supreme Criminal Court, denominated the Court of Sudder Foujdaree Adawlut, the Special Court, the Court of Circuit, and the Criminal Judge, according to the rules enacted for each respectively; offences of a political nature as described in Regulation XIV. of 1827, Chapter III., being tried by the Special Court exclusively.

For designation of the Supreme Court in Acts of the Government of India, see Act VIII. of 1842.

The Special Court, the Court of Circuit, and the Criminal Judge's Court, are superseded, and their functions are provided for as indicated below under the respective heads.

The Sudder Foujdaree Adawlut has supreme criminal jurisdiction;

SECTION II.—*Clause* 1*st.*—The supreme criminal jurisdiction over the territories subject to the Presidency of Bombay, in which zilla courts may be established, shall be vested in the Court of Sudder Foujdaree Adawlut.

is stationed at the seat of the Sudder Dewanee Adawlut; is composed of its judges, and has also its officers.

Clause 2*nd.*—This court shall be situated at the same place and composed of the same judges as the Court of Sudder Dewanee Adawlut, the officers of which (both European and native) shall perform also in the Criminal Court their respective functions, in the discharge of which they shall be subject to the same rules and responsibility as in their civil capacities, and the denomination and rank of each judge or officer

shall correspond with that which he bears in the Civil Court. Reg. XIII. 1827. Chap. I.

Section II., Regulation I. of 1830, provides that a member of council shall be chief judge of the Sudder Foujdaree Adawlut.

Section III.—*Clause* 1*st.*—The court shall use a circular seal two inches and a quarter in diameter, on which shall be inscribed in the English, Mahratta, Guzeratee, and Persian languages and characters "*The Sudder Foujdaree Adawlut of Bombay.*" Seal of the court.

Clause 2*nd.*—Each judge shall, previously to exercising any of the functions of his office, take and subscribe before the Governor in Council, or in open court, the oath described in Appendix (A), and each register and assistant register shall, previously to entering on the functions of his office, take and subscribe in open court the oath described in Appendix (B); and each law or ministerial officer, whose functions require qualification by solemn declaration in his civil capacity, shall take and subscribe in open court a similar declaration, except that his designation shall be made to correspond with that borne in the criminal court. Oaths of its judges, and officers,

Act XXI. of 1837 authorizes the Governor in Council to substitute a declaration for the oath here prescribed, in accordance with which a general rule dispensing with oaths is promulgated in the Court's Circular Order, dated 15th July, 1840.

Clause 3*rd.*—The nazir shall also furnish security in the same way as enacted to be done in his civil capacity, and it is not intended to prohibit the same persons from being bound for him in both the civil and criminal departments. and securities of the nazir.

Section IV.—*Clause* 1*st.*—A special court of justice may be assembled at any place required, by order from the Governor in Council, to try charges of crimes against the state. The special court for trying state offences

Regulation III. of 1830, 4th Supplement, provides for state

trials being held by judicial commissioners; and Act V. of 1841 modifies all Regulations relating to the trial of state offences.

to be composed of three judges.

Clause 2nd.—Such courts shall be composed of three judges, to be selected by the Governor in Council from among the judges of the Sudder Foujdaree Adawlut and zilla judges, and they shall be denominated "Chief," "Second" and "Third Judge," according to their seniority in the civil service; judges of the Sudder Foujdaree Adawlut, however, ranking above any others, and according to their seniority in that court.

Their selection and rank.

The establishment of the criminal judge officiates as that of the special court.

Clause 3rd.—The assistants on the establishment of the criminal judge of the zilla in which the special court may be assembled, shall, if required, officiate as registers and assistant registers, according to their respective ranks in the special court; and all officers of the said establishment shall also perform their respective functions in the said court.

Oaths of the judges

Clause 4th.—Each judge shall, previously to entering on the functions of his office, take and subscribe before the Governor in Council, or any person commissioned by him to administer it, the oath described in Appendix (A), and each register or assistant register shall take and subscribe in open court the oath contained in Appendix (B); and every ministerial or law officer, whose functions in the criminal court of the zilla require qualification by oath or declaration, shall make and subscribe before the special court a corresponding oath or declaration.

and officers.

The Court of Circuit for the trial of heinous offences not being against the state, held by the judges of the Sudder Adawlut in rotation, at the Sudder

Section V.—*Clause 1st.*—There shall be a Court of Circuit for the trial of crimes and serious offences, exclusive of crimes against the state, held in each zilla by any of the puisne judges of the Sudder Foujdaree Adawlut in rotation; the sessions of the said court shall, unless otherwise directed, be held at the Sudder station of each zilla, but if Government should issue

special directions to such effect, the court may sit elsewhere within any zilla for the trial of one or more cases, or all the cases belonging to such zilla, the Sudder Foujdaree Adawlut may also, under the rules contained in Section XXX., Clause 3rd, recommend to Government the issue of such directions.

station of each zilla, unless when otherwise directed.

Clause 2nd.—The sessions for the Surat zilla shall be quarterly, commencing on the 1st January, 1st April, 1st July and 1st October in each year; and in other zillas half-yearly, the tours commencing on the 1st of March and 1st of October in each year.

In the Surat zilla quarterly, and elsewhere half-yearly;

Clause 3rd.—But it shall be competent to the Court of Sudder Foujdaree Adawlut to cause a tour of circuit or sessions, at any particular zilla except Surat, to take place (according to the rules for the ordinary sessions) intermediately to the half-yearly sessions, the same, when directed by the court, being reported, with the reasons for it, to the Governor in Council; and for sufficient cause the order for rotation may likewise be broken at the discretion of the court or by order from Government.

but deviations allowed as directed by Government and by the Sudder Adawlut,

the sanction of Government being in some cases necessary.

This and the following section are modified by the provisions of Regulations XXX of 1827; III. of 1830, 4th Supplement; and VIII. of 1831, 5th Supplement; which divide the functions of the Court of Circuit between the session judge and the judicial commissioner on circuit.

SECTION VI.—*Clause 1st.*—The ministerial and law officers (whether European or native) on the establishment of the criminal judge at each zilla, shall, if required, officiate in their respective capacities in the Court of Circuit held in that zilla, under the denominations and with the qualifications prescribed to be adopted with respect to a special court in the 3rd and 4th Clauses of Section IV.

The establishment of the criminal judge officiates as that of the Court of Circuit,

each individual duly qualifying himself.

Clause 2nd.—The Court of Circuit shall use a circular seal two inches and a quarter in diameter, bearing the following incription in the English, Persian, Mahratta

The court's seal

and Goozeratee languages and characters:—"The Court of Circuit for Bombay." This seal shall remain in the custody of the judge on circuit during his tour, and shall then be lodged with the register of the Sudder Foujdaree Adawlut.

remains on circuit with the judge, and is afterwards deposited in the Sudder Adawlut.

Court of the criminal judge

SECTION VII.—*Clause* 1*st.*—There shall be a criminal court in each zilla for the trial of crimes and offences of a less heinous nature than those reserved for the sessions of the Court of Circuit, and it shall be held by the zilla judge under the denomination of criminal judge. The ordinary seat of this court shall be at the Sudder station, but it shall be competent to the criminal judge, on procuring the sanction of the Sudder Foujdaree Adawlut, to hold the court in any part of the zilla.

usually at the Sudder station, but may be held elsewhere if sanctioned by the Sudder Adawlut.

Oath of the criminal judge,

Clause 2*nd.*—Previously to exercising any functions of his office, the criminal judge shall take and subscribe before the Governor in Council, or any person commissioned by that authority to administer it, *the oath* contained in Appendix (C), and he shall also take and subscribe, before any competent authority, the oath of qualification as one of her Majesty's justices of the peace.

and his qualification as justice of the peace.

See Note to Section III., Clause 2nd.

His seal.

Clause 3*rd.*—The criminal judge shall use a seal one inch and three-quarters in diameter, bearing in the English language and character, and also the language and character most used in the zilla, the following inscription:—"The Criminal Court of the Zilla of ——."

I. It is declared in Regulation III. of 1830, 4th Supplement, that the criminal judges shall be vested with the authority and jurisdiction of session judges, and be so denominated; and it is declared in Regulation IV. of 1830, (the 2nd Supplement to Regulation XII. of 1827), that where in Regulation XII. of 1827, or any other Regulation, the term "criminal judge" is used, "session

judge" is to be considered to be in its place; and that as session judge that officer has all the duties and functions of the criminal judge.

II. For oath and seal, vide Regulation XXX. of 1827, Section III., and Regulation III. of 1830, Section IV.

III. Act XXIX. of 1845 authorizes the appointment of a joint session judge in any zilla where the state of business requires it.

SECTION VIII.—*Clause* 1*st.*—The assistants to the zilla judge shall officiate in their respective ranks as assistants to the criminal judge; they shall aid in the administration of criminal justice under the rules contained in the succeeding Chapter, and use the seal of the criminal judge: previously to discharging the functions of their offices, they shall take and subscribe before the criminal judge, in open court, the oath contained in Appendix (C).

His assis...

their oaths.

I. See note to Section III., Clause 2nd.

II. Section VI. of Regulation III. of 1830, 4th Supplement, provides for the jurisdiction of assistant criminal judges as assistant session judges.

Clause 2*nd.*—In case of a criminal judge being absent or deceased, without an arrangement for the discharge of his duties having been made by Government, the assistant of highest rank on the spot shall take charge of and conduct the said duties, except that he shall not pass any sentence beyond the extent to which he is authorized in his capacity of assistant.

The assistant of highest rank supplies the place of the criminal judge when absent, without exceeding his proper jurisdiction.

Clause 3*rd.*—The ministerial and law officers of the civil court shall officiate in their respective capacities in the criminal court also; and such of them as may be required to make declaration or to furnish security, in order to qualify them for discharging their civil functions, shall, before commencing their duties in the criminal court, execute and enter into corresponding qualifications with the requisite alteration in the designation of the court.

The officers of the civil court belong also to the criminal court, and are in like manner qualified;

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but the offices may be kept distinct for convenience.

Clause 4th.—But, if the extent or nature of the business to be performed by any ministerial officer be such as to render it inconvenient for him to be employed in both the civil and criminal capacities, there shall be no bar to appointing separate individuals to peform the duty in the two capacities, they being duly qualified as described in the preceding clause, and distinguished by prefixing the term "civil" or "criminal" to their designations respectively, which shall in nowise alter their situationas to responsibility to the rules enacted for such officers in the civil branch of the code.

Criminal courts may always sit, except on certain specified days,

SECTION IX.—*Clause 1st.*—Courts of criminal justice shall be kept open for transaction of business on all days, except Sunday and those specified in Appendix (D), and such other days as may be specified in the list of local holidays required by Regulation III. of 1827, Section I., Clause 3rd, to be publicly notified.

and on those also for good reasons; and process taking place on those days is legal.

Clause 2nd.—But it is not intended to preclude the transaction of business on the days above excepted when there may be urgent occasion, nor to consider as illegal any process on the ground of its having taken place upon those days.

Misconduct of native officers of criminal courts punishable as in the department of civil justice;

SECTION X.—Negligence or breach of duty, bribery, extortion, and generally all acts of abuse or misapplication of authority, or other misconduct committed by any native officer on the establishment of a criminal court, shall be noticed and punished in the same manner as enacted respecting such officer in his civil capacity in Regulation II. of 1827, Sections VI. and XXV., and Chapter III., and a sentence passed under any of the above quoted enactments shall not preclude any other prosecution, civil or criminal, to which the offender may be liable.

and further prosecutable civilly and criminally.

Criminal courts have authority to take recogni-

SECTION XI.—All judges of criminal courts, and assistants to criminal judges, shall have authority to

bind persons by recognizance or security under the rules on the subjects contained in Regulation XII. of 1827, Sections from XXIV. to XXVII., both inclusive, to perform or forbear from matters within the province of the court to enjoin or forbid; they shall also be competent to punish such conduct committed in open court as constitutes disturbance, opposition to the court's legal authority, or insolence, by fine or ordinary imprisonment without labour, or both, provided that the culprit be not confined for a longer period than two (2) months in the whole, and that if the sentence were passed by a junior assistant, it shall be enforced by the criminal judge as approved by him on revision.

Power to require recognizance or security, and to punish contempts.

I. The punishment of resisting process of a civil or criminal court is laid down in Section XXV., Regulation XIV. of 1827.

II. Act XXX. of 1841 provides for the punishment of contempts and obstructions to justice by whomsoever committed.

CHAPTER II.

OF THE DUTIES OF THE CRIMINAL JUDGE.

Section XII.—*Clause* 1*st*.—Such part of the criminal judge's duties as relates to the police of the Sudder station is comprised in Regulation XII. of 1827.

Reference to the criminal judge's police duties.

Clause 2*nd*.—The criminal judge shall have authority to try crimes and offences committed within his jurisdiction, and to adjudge punishment for the same within the limits specified in the succeeding section, and if it appear that any criminal act, which there is reason to believe has really been committed, require a degree of punishment beyond the said limit, he shall commit the offender to be tried by the Court of Circuit: provided always, that if a case should occur, which, from any peculiarity in the circumstances, the criminal judge may consider, though not requiring

The criminal judge tries offences and adjudges punishment within certain limits;

he commits the offender for trial by the Court of Circuit, if severer punishment is required,

severer punishment than he is authorized to adjudge, yet proper to be brought before a different or higher tribunal, he may report the same with his reasons to the Sudder Foujdaree Adawlut, which will instruct him whether to proceed with the trial or commit the offender to be tried by the Court of Circuit.

and also in peculiar cases with the sanction of the Sudder Adawlut.

Delegates cases to his assistants,

Clause 3*rd.*—The criminal judge shall have authority to delegate to his assistants the trial of offences, and also the adjudging of punishment within the limits specified as applicable respectively to assistants, in the succeeding Section; and when on a trial it shall appear to an assistant that an offence requires a degree of punishment beyond the limit which he is authorized to adjudge, he shall refer the case to the criminal judge.

who, when necessary, refer them for final judgment to the criminal judge,

and he may also recall such cases and review proceedings, and employ his assistants in preparing cases, or in other parts of his duties, at his discretion.

Clause 4*th.*—The criminal judge shall always have authority to take into his own hands the trial of cases which may have been delegated to his assistants, to review their proceedings, and to mitigate or annul, but not to enhance their sentences; he shall also be empowered to employ his assistants in the preparation of cases for trial by himself, and generally in the execution or superintendence of any duties of the department.

*

Warrants, precepts, &c. of the superior courts to be obeyed, and preparations for their sessions made by the criminal judge,

Clause 5*th.*—The criminal judge shall execute warrants and precepts, and conform to instructions issued by the Court of Circuit, Special Court, or Sudder Foujdaree Adawlut, under authority of the Code of Regulations, and he shall make such preparations for the sessions of Courts of Circuits and Special Courts as are directed by the enactment on those subjects.

general complaints also to be heard and inquired into by him, and if thought reasonable, reported to Government,

Clause 6*th.*—The criminal judge shall receive complaints made against any persons whomsoever, in matters for which the ordinary course of law does not afford a mode of obtaining redress; he shall investigate them summarily in such manner as he has the

means of doing, and if satisfied that there exist reasons for any further measures being adopted, shall report the case to the Governor in Council.

as also breaches of the prohibitions against the slave trade.

Clause 7th.—The criminal judge shall report to the Governor in Council all convictions which may take place before himself or a Court of Circuit of acts in breach of the prohibitions in Regulation XIV. of 1827, Sections XXX. and XXXI. against the slave trade.

I. The police of the Sudder stations is placed under the magistrates by Regulation IV. of 1830, and Act V. of 1846.

II. See Note I. to Section VII.

III. Act XIII. of 1835 authorizes the Sudder Foujdaree Adawlut to direct the trial of an accused in any zillah.

The criminal judge's penal jurisdiction:

Section XIII.—*Clause 1st.*—The punishments which the criminal judge is authorized to inflict are as follows:

solitary imprisonment six months:

Solitary imprisonment for a period not exceeding six (6) months;

imprisonment and hard labour seven years;

Ordinary imprisonment with hard labour for a period of seven (7) years;

flogging fifty stripes;

Flogging to the extent of fifty (50) stripes;

disgrace, fine, and personal restraint;

Public disgrace, fine and personal restraint;

alone or combined.

These punishments may be awarded either singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation of seven (7) years.

Explanation as to imprisonment;

sentences for more than two years' imprisonment

Clause 2nd.—If the criminal judge shall pass a sentence whereby a prisoner is liable to imprisonment for more than two (2) years, he shall, previously to executing it, refer the case, with copies of all the evidence and statements, to the Court of Sudder Foujdaree Adawlut, which shall have power to confirm, mitigate, or annul the sentence; and if the sentence be confirmed either wholly or in part, a warrant for execution shall be issued by the said court.

*

to be referred to the Sudder Adawlut, and enforced as confirmed.

The senior assistants' penal jurisdictions: ordinary imprisonment and hard labour for two years; flogging (for theft only) thirty stripes; fine limited by imprisonment; disgrace and personal restraint. Explanation as to imprisonment.

Clause 3*rd.*—The punishments to be adjudged by a senior assistant shall not exceed the following limits:

Ordinary imprisonment, with hard labour, for a period not exceeding two (2) years;

Flogging (for theft only) to the extent of thirty (30) stripes;

Fine, to be limited by the period of imprisonment assigned in commutation not exceeding two (2) years;

Disgrace and personal restraint;

These punishments may be inflicted singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation of two (2) years.

Government may, by notice, render the penal jurisdiction of a senior assistant equal to that of the criminal judge,

Clause 4*th.*—But it shall be competent to the Governor in Council, for special reasons, to enlarge the authority of a senior assistant, as specified in the preceding Clause, to any extent not exceeding the authority of the criminal judge, by means of an order addressed to the assistant on whom the authority is conferred, and forwarded to him through the medium of the criminal judge, notice being at the same time given by Government to the Court of Sudder Foujdaree Adawlut.

and imprisonment for more than two years must then be confirmed by the Sudder Adawlut.

Clause 5*th.*—In which case the provisions of Clause 2nd of this Section shall become applicable to the said assistant, the exercise of whose extended powers shall also continue subject to the controul of the criminal judge, as specified in Clause 4th of Section XII., or elsewhere.

Penal jurisdiction of a junior assistant;

Clause 6*th.*—The punishments which a junior assistant is authorized to adjudge shall not exceed the following limits:

imprisonment for two months;

Ordinary imprisonment, without labour, for a term not exceeding two (2) months;

fine as limited by imprisonment;

Fine limited by the period of imprisonment as-

signed in commutation never exceeding that just specified;

Personal restraint.

personal restraint; alone or combined.

These punishments may be inflicted singly or combined, except that whatever period of imprisonment may be assigned in commutation for fine is to be included in the limitation above specified.

Explanation as to imprisonment.

I. The jurisdiction of session judges and their assistants is laid down in Regulations XXX. of 1827, III. of 1830, and VIII. of 1831, Supplements to this Regulation.

II. Clause 5th of the above Section is modified by Act XIX. of 1839, which subjects the assistant session judge's sentence above two years imprisonment to the confirmation of the session judge, instead of the Sudder Foujdaree Adawlut.

Section XIV.—*Clause* 1*st.*—A minute-book of daily proceedings, in the language of the zilla, shall be kept by the criminal judge and his assistants; it shall contain a reference by number, letter or other convenient mark, to every document produced before or issued by the court, which may have been received or used officially, and shall narrate at large all such proceedings, orders and information respecting business transacted by the court, as may not be contained in the said documents; the narration shall be made in the order in which the matter thereof may have occurred, and each day's proceedings shall be authenticated by the signature of the criminal judge or assistant who held the court.

Minute-book of the court to refer to

or contain all documents

in order,

and to be signed each day.

Clause 2*nd.*—The documents belonging to each case (or copies thereof, if it may have been necessary to dispose otherwise of the originals,) shall be kept separate, and they shall, as well as petitions and miscellaneous papers, be arranged, with such reference to the minute-book and the day-book described in the ensuing Clause, as may best facilitate their production when required.

Documents and cases to be preserved distinct and in order,

and delivered over in due time to the record-keeper, who will pass his receipt and duly record them.

Clause 3*rd.*—The exhibits mentioned in the preceding clause shall be delivered by the serishtadar to the record-keeper so soon as their immediate use in court can be dispensed with, and with them an inventory thereof, which shall be signed by the record-keeper and returned to the serishtadar; the record-keeper shall enter in a day-book the denomination of every exhibit with its mark; such as belong collectively to the same case shall be so classed, and in every case the date of the information being first laid, and of judgment being passed, and the names of the parties shall be recorded.

Periodical reports to be furnished to the Sudder Adawlut with the sanction of Government.

Clause 4*th.*—The criminal judge shall transmit to the Court of Sudder Foujdaree Adawlut such periodical reports relating to the business transacted in his department as that court may call for under the immediate instructions of Government.

The execution of warrants, precepts, &c. to be indorsed on the instrument, which is then to be sent to the Sudder Adawlut;

Section XV.—*Clause* 1*st.*—The execution of every warrant and precept issued by the Court of Sudder Foujdaree Adawlut or circuit shall be certified, with the mode in which it was performed, by indorsement on the instrument, which shall then be transmitted to the Court of Sudder Foujdaree Adawlut, a copy being also deposited on the criminal judge's records.

and when a prisoner is transferred, his warrant, duly indorsed, accompanies him, and alone certifies regarding him,

Clause 2*nd.*—When a prisoner under sentence is transferred by the criminal judge to the custody of another officer, the warrant shall be delivered with him, and on it shall be indorsed the extent of punishment already inflicted at the time of such transfer; a copy shall be deposited in the criminal judge's records, and it shall be the part of the officer, under whose custody the sentence is completed, further to indorse the warrant as directed in the preceding Clause.

except he be sent to Bombay, when the magistrate's receipt of him is equivalent to final execution.

Clause 3*rd.*—But when, in the execution of a sentence of transportation, the prisoner and warrant are forwarded by the criminal judge under the provisions of Regulation XIV. of 1827, Section V., Clause 1st,

to any officer not subordinate to the Sudder Foujdaree Adawlut, a copy of the receipt of such officer shall be forwarded by the criminal judge to the Sudder Foujdaree Adawlut, as a final return regarding the disposal of the prisoner.

CHAPTER III.

OF THE FUNCTIONS OF THE COURT OF CIRCUIT, AND DUTIES OF THE CRIMINAL JUDGE AS CONNECTED THEREWITH.

The functions of the Court of Circuit are divided between the session judge and his assistants and the judicial commissioner, when on circuit, by Regulation XXX. of 1827, and the Supplements to this Regulation.

Duties of the judge on circuit to try prisoners,

SECTION XVI.—*Clause* 1*st*.—The judge on circuit shall try all prisoners who may be brought before him for that purpose, at the commencement or during the continuance of the sessions, and conduct such investigation as may be confided to him by the Court of Sudder Foujdaree Adawlut, or by the Court of Sudder Dewanee Adawlut, according to the provisions contained in the 3rd Clause of Section VI., Regulation II. of 1827, for trial of certain public officers.

and conduct investigations confided to him by the Sudder Adawlut;

to inspect criminal judge's and magistrate's proceedings and notice errors,

Clause 2*nd*.—He shall have authority to examine and investigate cases tried in the criminal judge's and zilla magistrate's departments, to notice to the officer concerned erroneous judgments, and to forward cases, if necessary, to the Sudder Foujdaree Adawlut, for revised decision, under Section XXIX., Clause 4th; he shall also inspect the whole proceedings and arrangements of the said departments, and notice any infringement or injudicious application of the law, or remissness in duty, by writing his sentiments to the officer concerned (who shall duly attend thereto), or to the Sudder Foujdaree Adawlut, or both, as the case may require.

as may be required.

Clause 3*rd.*—The judge on circuit shall visit the civil and criminal gaols for the purposes mentioned in the preceding Clause.

To visit the gaols,

Clause 4*th.*—He shall also be empowered to inquire into and notice, as above described, arrangements and forms of procedure which relate to the civil court of the zilla.

and rectify the practice of the civil court;

Clause 5*th.*—He shall receive and attend to all complaints and representations connected with the administration of criminal justice and police, or the general welfare of the district.

to receive and attend to all complaints on criminal matters, and generally of importance.

Section XVII.—*Clause* 1*st.*—If it shall appear that the criminal judge or zilla magistrate, or any officer subordinate to either of them, has failed to take due cognizance of any matter brought before him, the judge on circuit shall have authority to cause the same to be done, and, if deemed expedient, a return to be made, specifying the mode in which it is performed, by written order addressed to the head of the respective department.

The judge on circuit may direct a magistrate or criminal judge to inquire into any matter and certify his proceedings in consequence.

Clause 2*nd.*—The judge on circuit shall have authority to reduce the amount of any penalty or security bond taken or demanded in the criminal or police department, or to annul the same altogether, his order being issued in writing to the head of the respective department.

He may also reduce or annul penalty bonds.

Clause 3*rd.*—In all matters not expressly placed at the discretion of the judge on circuit by enactment, wherein he may recommend in writing a deviation from the practice or proceeding adopted, the criminal judge and zilla magistrate may either comply therewith without incurring responsibility, or, if they see objections, may state them in writing to the judge on circuit, and request him to refer the matter for decision to the Court of Sudder Foujdaree Adawlut, which the judge on circuit, if he is not convinced by the objections, shall accordingly do.

Orders by a judge on circuit may be obeyed without responsibility;

but on request made to the judge on circuit a reference may be obtained to the Adawlut.

For modified jurisdiction of the judicial commissioner and session judge, see the Supplements, Regulations III. of 1830 and VIII. of 1831.

Section XVIII.—*Clause* 1*st.*—When a prisoner is committed to be tried at the sessions, the criminal judge shall inform him thereof, stating at the same time to the prisoner the precise act for which he is committed, as well as the manner how and the time at which it is alleged to have been perpetrated, all which shall be recorded fully on the proceedings.

A prisoner committed for trial before the Court of Circuit to be duly apprised of the charge against him with all details, which shall be recorded.

Clause 2*nd.*—The criminal judge shall be careful to ascertain from the prisoner what evidence he may desire to adduce on his defence, and to hold it in readiness; this inquiry shall be made at the time of commitment, as well as at any subsequent time when it may seem conducive to completeness in the investigation, and it shall be recorded with its results on the proceedings.

The prisoner's evidence shall be asked for at the commitment, and at any other suitable time, and held in readiness.

Section XIX.—*Clause* 1*st.*—The judge on circuit shall give at least fifteen (15) days' notice to the criminal judge of the time when the sessions is to commence; on the receipt of which the criminal judge shall acquaint the zilla magistrate, and these officers shall cause a proclamation in the form of Appendix (E) to be made in the districts under their respective charge, and report in writing to the judge on circuit, when he arrives, the execution of his duty, with the places at which it was performed.

The judge on circuit to give at least fifteen days' previous notice of the sessions, and proclamations to be made.

Clause 2*nd.*—The criminal judge shall deliver to the judge on circuit, at the commencement of the session, the following documents:

The criminal judge to deliver to the judge on circuit

The cases for trial, comprising all details;

the cases for trial,

A calendar of persons committed or held to bail, according to the form in Appendix (F);

a calendar of persons for trial,

If additional cases should occur for trial during the sessions, they shall be in like manner delivered, the requisite matters being entered in

additional calendars,

a supplemental calendar, or so many as may be convenient, which shall be distinguished by numbers;

translation of proceedings in each case,

A translation into English of the criminal judge's proceedings in each case, and with it shall be delivered every exhibit made or produced before him which contains evidence relevant to the case;

calendar of persons not appearing, though bound to do so,

with translated extracts from the records.

A calendar of such persons as, having been bound over or enjoined to appear at the sessions, may nevertheless not be in attendance; it shall be in the form of Appendix (G), and shall be accompanied by an extract (translated into the English language) from the criminal judge's proceedings in the case of each such person, showing how and why he was so bound or enjoined, and any measures that may have been taken to insure his attendance.

Periodical reports of the criminal judge and magistrate to be made up for inspection by the judge on circuit,

Clause 3*rd.*—The criminal judge and zilla magistrate shall make up the periodical reports, which are required for transmission to the Sudder Foujdaree Adawlut, to the period at which the sessions is to commence, and hold them in readiness for the inspection of the judge on circuit, whenever he may desire it; they shall also submit to his inspection, or furnish him with copies of whatever part of their records he may require.

and copies of any part of their records to be furnished.

The criminal judge to hold in attendance all parties and witnesses, and to furnish a translation of any document.

Clause 4*th.*—The criminal judge shall hold in attendance at the sessions all parties and witnesses concerned in the cases to be tried according to the rules contained in the Regulations, and he shall, if required, furnish the Court of Circuit with a translation in the English language of any document on his records.

The court to be held in the zilla court room, or elsewhere under specific arrangement

Section XX.—*Clause* 1*st.*—The Court of Circuit, when sitting at the Sudder station of any zilla, shall be held in the zilla court-room; when sitting in any other part of the zilla, it shall be held as arranged

under the directions of Government for the occasion; in either case the criminal judge shall execute the requisite measures for the convenience and accommodation of the court and dispatch of business.

and the directions of the criminal judge.

Clause 2nd.—Besides the authority conferred in Section XI. to punish contempts of court, the judge on circuit may in such cases cause the criminal judge (by written order) to enforce the infliction of corporal punishment, not exceeding twenty-five (25) stripes, on the offender.

Enlarged authority of the Court of Circuit to punish contempts,

Clause 3rd.—In the case of a person bound or enjoined to appear at the sessions being absent, the enforcement, either wholly or in part, of any penalty or punishment to which he or his sureties may thereby be liable shall be at the discretion of the judge on circuit, as well as the measures to be subsequently taken; also, the judge on circuit shall be empowered to direct security to be taken for any prisoner's good behaviour, all which shall be executed by the criminal judge according to the written order of the judge on circuit.

to enforce penalties,

and order security to be taken by written injunction,

Clause 4th.—If the judge on circuit requires any additional evidence to be adduced in a case before him, or matter which he is desirous to investigate, or any alteration in the forms or arrangements of the business of the sessions, he shall procure it by a written order on the criminal judge.

as well as to procure evidence, or alteration in the arrangement for dispatch of business.

The assistant session judges at detached stations are to perform the duties here assigned to criminal judges. See Section VI. of Regulation III. of 1830, 4th Supplement.

Section XXI.—*Clause 1st.*—The forms of conducting and recording trials by the Court of Circuit shall be the same as prescribed in Chapter VI. of this Regulation for criminal courts in general, with the following exceptions:

The rules for trial are as in Chapter VI., with a few exceptions.

Session judges must keep their proceedings in form prescribed for Courts of Circuit. See interpretation on this Chapter, 23rd June, 1830.

Minutes of proceedings on the records are in English.

Minutes of proceedings, corresponding as nearly as may be found convenient with the record prescribed to be kept by the criminal judge in Section XIV., shall be kept by the judge on circuit in the English language;

Prisoners' statements are entered on the record.

Pleas, confessions and defences, and generally all assertions made by prisoners on trial, require to be recorded not otherwise than by the judge duly entering them in his record of proceedings;

When the charge is incorrect, the prisoner to be remanded to the criminal judge, that it may be amended.

If it should appear, during a trial, that the charge with which it commenced is not applicable to the case, the judge on circuit shall be empowered to direct the criminal judge, by a written order, to commit the prisoner on any charge which he may deem expedient.

Prisoner's evidence not before named need not be waited for, if the omission is not explained.

Clause 2nd.—With reference to Clause 3rd of Section XXXVIII., it is to be understood that it is not incumbent on the court to wait for evidence which the prisoner has omitted to mention before the criminal judge, unless the prisoner can satisfactorily explain the omission.

Sentences passed by the judge on circuit to be communicated by warrant to the criminal judge, and immediately executed, except in cases of death, transportation, or perpetual imprisonment,

*

when confirmation by the Sudder Adawlut is required.

Clause 3rd.—The judge on circuit shall pass sentence on each prisoner convicted to the extent prescribed in the Regulations; but, if the punishment be death, transportation, or imprisonment for life, it shall not be executed until confirmed by the Court of Sudder Foujdaree Adawlut: sentences which do not include any of the just specified punishments shall be notified to the criminal judge by warrants in the form of Appendix (H), and immediately executed; those which require to be confirmed by the Sudder Foujdaree Adawlut shall be so explained to the prisoners, and notified to the criminal judge by warrants in the form of Appendix (I), according to the tenor of which, the criminal judge will keep the prisoners in custody until receiving the final warrant.

Clause 4th.—If a prisoner be convicted in more cases than one at the same sessions, the sentences may be combined in one warrant.

Sentences on the same prisoner may be combined.

Section XXII.—*Clause 1st.*—The trial of a case, or of any particular prisoner in a case, may be postponed to the next sessions, by written order to the criminal judge, if circumstances material to the decision should require delay. A second similar postponement may be made for the same reason, but decision shall not be further protracted.

A trial may be postponed twice, but not longer delayed;

Clause 2nd.—If the judge on circuit meet with a case, which, from doubt in the application of law, or other sufficient cause, he may consider expedient to be decided by the Court of Sudder Foujdaree Adawlut, it shall be competent to him, after completing the trial, to refer it accordingly without passing sentence; he shall apprise the prisoner of the reference, and notify it in writing to the criminal judge, who will keep the prisoner in custody until his disposal be ascertained by warrant or order from the Sudder Foujdaree Adawlut.

and peculiar cases may be referred to the Sudder Foujdaree Adawlut.

Section XXIII.—*Clause 1st.*—The judge on circuit shall forward, to be deposited with the records of the Sudder Foujdaree Adawlut, his minutes of proceedings in all trials, with the exhibits therein referred to, as well as all official documents furnished to him: the transmission shall be made so soon as he can dispense with the use of them.

The records of all trials to be sent to the Sudder Foujdaree Adawlut.

Clause 2nd.—Each case referred for confirmation or decision to the Sudder Foujdaree Adawlut shall be accompanied by a letter stating the same, and containing any remarks, explanation or opinion which the judge may consider it expedient to introduce.

Each case referred shall be accompanied by a letter;

Clause 3rd.—Official correspondence, copies of orders, petitions and miscellaneous records shall be transmitted to the Sudder Foujdaree Adawlut above

all other papers shall also be transmitted;

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described, unless their subject, by being referred to in the report described in the succeeding Clause, renders it convenient to forward them therewith.

and a full report in all matters of importance to the public welfare to be made.

Clause 4*th*.—At the expiration of each tour of circuit, the judge shall forward to the Sudder Foujdaree Adawlut a report on the state of police in the several zillas where he has held sessions, which shall contain such remarks as he may have to offer respecting the trials which he has conducted, the state of the civil, criminal, and police establishments, and the condition and morals of the people: and it shall also convey any suggestions he may desire to offer with a view to ameliorate their condition or habits, or promote in any way the public welfare.

This report is to be made by the judicial commissioners at the conclusion of their tours. See Regulation III. of 1830, (4th Supplement), Section XII.

CHAPTER IV.

OF THE DUTIES OF THE SPECIAL COURT.

This Chapter, amended by Regulations III. of 1830, VII. of 1833 (4th and 6th Supplements), and Act XXXVII. of 1837, is further modified by Act V. of 1841,—an Act for the greater uniformity of the process upon trials for state offences, and the amendment of such process in certain cases.

The Special Court tries state offences.

Section XXIV.—*Clause* 1*st*.—The Special Court shall try persons charged with offences of a political nature as defined in Regulation XIV. of 1827, Chapter III.

To assemble where directed by Government, and continue assembled until dissolved by the same authority.

Clause 2*nd*.—The members shall assemble at the place directed by the Governor in Council, the court shall be held in the zilla court-room, or such other place as may be prepared by the criminal judge of the zilla, under instructions from Government, and shall continue assembled until dissolved by order from Government.

Clause 3*rd.*—In case of difference of opinion, the decision shall be regulated by the majority, but the dissentient member shall be entitled to enter a minute of his sentiments in the proceedings.

The majority decides; but the dissentient member may record his opinion.

Clause 4*th.*—If any one of the members should be prevented by death, or other cause, from attending (after the court has been completed), the other two shall be competent to conduct the business in all points on which they agree, without waiting for the vacancy to be filled up, but the court shall immediately report the vacancy to the Governor in Council.

If one member is absent, two concurring may proceed, reporting the vacancy.

Section XXV.—*Clause* 1*st.*—The custody of prisoners, attendance of witnesses, and production of evidence, shall be provided for by the criminal judge in the same manner as for Courts of Circuit, and returns corresponding with those specified in Clause 2nd, Section XIX. of this Regulation shall also be furnished by the criminal judge.

The criminal judge assists the Special Court as he would the Court of Circuit.

Clause 2*nd.*—The provisions for procedure enacted for the Court of Circuit in the 3rd and 4th Clauses of Section XX. and the 1st and 2nd Clauses of Section XXI., shall be applicable to the Special Court.

Proceedings in certain points the same as those of the Court of Circuit.

Section XXVI.—*Clause* 1*st.*—If a prisoner be found guilty, the court shall decide on such sentence as may be prescribed by the Regulations, and forward to the Governor in Council the whole of its proceedings in each case, with translations into English of every exhibit which may have been used as evidence.

If the prisoner is found guilty, the court, after deciding on a sentence, reports the case in full to Government,

Clause 2*nd.*—The Governor in Council shall thereupon confirm, mitigate or annul the sentence, as shall appear to him fit, and communicate the same to the Special Court, which shall then pass sentence accordingly in open court, and (if punishment be finally adjudged) shall issue a warrant for execution thereof to the criminal judge, in the form of Appendix (J),

by whom such sentence as is deemed fit is confirmed and thereafter passed,

and if requisite a warrant issued to the criminal judge.

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and the warrant shall thereafter be executed in the same manner as if issued by a Court of Circuit.

If the prisoner is acquitted, the proceedings are reported and further instructions awaited.

Clause 3*rd.*—If a prisoner be acquitted, the court shall forward its proceedings as directed in the 1st Clause of this Section, and proceed to other business, or break up, as instructed.

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CHAPTER V.

OF THE DUTIES OF THE COURT OF SUDDER FOUJDAREE ADAWLUT.

The Sudder Adawlut superintends criminal justice and police;

Section XXVII.—*Clause* 1*st.*—The Court of Sudder Foujdaree Adawlut shall superintend the administration of criminal justice and police, with a view to maintain correct application of the laws and orders issued on those subjects.

revises trials and conducts investigations;

Clause 2*nd.*—It shall revise trials and investigate matters referred to it according to the Regulations, and pass final sentence or order thereon.

observes and reports defects in the laws and their remedies;

Clause 3*rd.*—It shall observe and bring to the notice of Government defects in the laws, and methods of improving them.

describes the state of police and criminal justice; increase or decrease of crimes; the gaols; judicial establishment; the effects of the law, and the general condition of the people.

Clause 4*th.*—It shall furnish information to Government of the state of police and criminal justice in each zilla; of offences, from their prevalence or atrocity requiring particular notice; the increase or decrease of crime, and the causes of either fact; the state of the gaols, and the efficiency and activity of the official establishment; it also shall keep Government acquainted with the effects produced by the law, the condition of the people, and generally all matters concerning the public welfare.

Two judges are a court, but if they differ a third must attend.

Section XXVIII.—*Clause* 1*st.*—Two judges shall constitute a court, but if they differ in opinion, the matter shall be deferred until it can be brought before a court composed of a greater number of judges.

Clause 2nd.—If more than two judges are present, decisions shall be made according to the opinion of the majority, but if the opinions are equally divided, the senior judge shall have the casting vote.

The majority decides, and in case of equality the senior has a casting vote.

Clause 3rd.—A puisne judge, who may have referred any matter while on circuit to the court, is not to be thereby precluded from voting if he be present, and if not present, any sentence that he may have passed, or opinion that he may have recorded, is to be taken as a vote, which in the case supposed in Clause 1st of this Section shall be sufficient to determine the majority without deferring the question, and in the case supposed in Clause 2nd shall be sufficient to determine either a majority or equality, as if the said puisne judge were present.

The judge of circuit's opinion is however a vote,

Clause 4th.—A single judge shall be competent to administer oaths, record petitions, or perform any act which does not involve deliberation, nor amount to passing any discretionary order or decision.

and a single judge may act ministerially.

Section XXIX.—*Clause 1st.*—The Court of Sudder Foujdaree Adawlut shall have authority to call for any record, or a copy of it, from the criminal judge's or zilla magistrate's department, and if an original paper be required, a copy thereof shall be substituted in the office from whence the original is furnished, with an indorsement referring to the order of the Sudder Foujdaree Adawlut.

The Sudder Adawlut may call for any document from a criminal judge or magistrate,

a copy being substituted on the records;

Clause 2nd.—The court shall have authority to call for returns from the criminal judge's and zilla magistrate's departments on any subjects respecting which it may desire information, but if the said returns be required periodically, the sanction of the Government shall be first obtained.

also for reports with the sanction of Government if periodically required;

Clause 3rd.—The court shall have authority to cause the criminal judges or zilla magistrates to take such evidence or make such inquiries on any subject before it as may be desired, and to serve and enforce

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also for evidence or

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the attendance of any person, fixing the penalties for failure, and causing them to be enforced.

any summons (which shall be in the form of Appendix (K)) which it may issue for the attendance before the court of any person to give evidence in a matter within its cognizance, as well as to fix within the limits specified in Section XXXIV., Clause 1st, the penalties for default of attendance, and cause them to be levied.

Act IV. of 1838 authorizes cases of perjury committed in the Sudder Adawlut being tried in the nearest zilla court.

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It may also mitigate or annul any sentence or order of a criminal judge or magistrate; also any penalty bond so imposed, precept being duly issued and a return made.

Clause 4*th.*—The court shall have authority to mitigate or annul, but not to commute, any sentence or order passed in the criminal judge's or zilla magistrate's department, and to remit or mitigate any penalty incurred or demanded in those departments, of the nature of bail, recognizance or security, in which cases the order of the court shall be communicated by a precept under the seal of the court and signature of the register, and shall be returned when executed with an indorsement certifying the same, a copy being kept in the respective department.

The court may also cause an investigation to be instituted, a penalty bond to be passed;

Clause 5*th.*—The court shall have authority to cause the criminal judges and zilla magistrates to take cognizance of any matter, or to demand any bail, recognizance or security, according to the Regulations.

sentence and orders of the court in contempts and other matters to be executed;

Clause 6*th.*—The court shall have authority to cause the criminal judge of the zilla in which it is stationed to execute any punishment it may award for contempt of court, under the provisions of Section XI., or to hold in custody any person who may have become liable to confinement in the course of any proceeding.

all irregularities and improprieties may further be noticed by the court;

Clause 7*th.*—The court shall also be empowered to notice deviations from the Regulations or from instructions issued in conformity thereto, or negligence or impropriety in the discharge of official duties committed by any officer in the criminal judge's or zilla

magistrate's department, and to express its sentiments on the subject to the head of the department, or, through his medium, to any subordinate officer; and if any officer in the said departments should wilfully disobey an order issued in conformity with the Regulations by the Court of Sudder Foujdaree Adawlut, the said court shall represent the same to Government.

and disobedience of its orders is to be reported to Government.

Section VIII. of Regulation XXX. of 1827, which modified this Chapter as regards the Poerea and Ahmednugger zillas, having been rescinded by Regulation VIII. of 1831, 5th Supplement, Section VI., the provisions of the above section have effect throughout the Bombay territories.

Section XXX.—*Clause* 1*st.*—The Court of Sudder Foujdaree Adawlut shall be authorized to delegate the investigation of any matter within its cognizance to a judge on circuit, to depute him to take any specified evidence, to issue instructions at his discretion to a criminal judge or zilla magistrate respecting ulterior procedure in any matter within the said court's cognizance, or to pass a decision on any such matter, the same not exceeding the ordinary jurisdiction of a Court of Circuit.

The court may entrust an investigation to the judge on circuit,

Clause 2*nd.*—When the court shall deem it expedient that an extra sessions at any zilla shall be held, it shall forthwith report its opinion, and the grounds of it, to the Governor in Council, and shall issue instructions to the respective criminal judges to make the requisite preparations.

and appoint extra tours and sessions,

Clause 3*rd.*—When the court deems it expedient that a Court of Circuit shall sit elsewhere than at the Sudder station of any zilla, the consent of Government shall be obtained previously to issuing instructions to the criminal judge, and the application shall state what preparations for the accommodation of the court and despatch of business are required, which shall be conducted by the criminal judge according to the sanction of Government, and an authenticated

obtaining the consent of Government in certain cases.

copy of any communication on the subject addressed by Government to the Court of Sudder Foujdaree Adawlut shall be a sufficient voucher to any officer concerned therein.

One session may be dispensed with if there is no case for trial.

Clause 4th.—If, at the usual period of circuit, there be no case ready for trial at any particular zilla, it shall be at the discretion of the Court of Sudder Foujdaree Adawlut to dispense with the judge on circuit visiting that zilla; but if this should again occur at the next period of circuit, the zilla shall be visited as usual.

The court may review all proceedings of Courts of Circuit; some cannot be altered, others may be altered by Government, and others by the court.

Clause 5th.—The Court of Sudder Foujdaree Adawlut shall have authority to examine and conduct investigations on all orders whatever passed by a judge on circuit, the records of the Court of Circuit, placed at its disposal under Clause 1st of Section XXIII., being hereby declared at all times open to its inspection and use equally with its own; of the said orders, rewards conferred by Regulation XII. of 1827, Sections XXXII. and XXXIII., and pardons directed to be offered by virtue of Clause 3rd of Section XXXIV. of the same Regulation, shall remain undisturbed; sentences for contempt of court, passed under Section XI. or the 2nd Clause of Section XX., and sentences passed without reference to the Sudder Foujdaree Adawlut according to Clause 3rd of Section XXI., may be annulled or mitigated by the Governor in Council, to whom the Sudder Foujdaree Adawlut may under the following Section recommend such proceeding, and all other of the said orders may be annulled or mitigated by the Sudder Foujdaree Adawlut at its discretion.

The exception, contained in the above clause, of sentences passed without reference to the Sudder Foujdaree Adawlut, from mitigation, annulment, or revision by that court, is rescinded by Section VII. of Regulation VIII. of 1831, 5th Supplement.

Section XXXI.—*Clause* 1*st.*—When the Court of Sudder Foujdaree Adawlut shall consider any sentence, which the court cannot annul or alter, to require to be mitigated or annulled, whether as an act of mercy or justice, it shall represent the case with all particulars to the Governor in Council, specifying its opinion as to whether the punishment should be remitted wholly or in part, and it shall have authority to suspend, as may be practicable, the execution of such sentence, by written order to the officer in whose custody the prisoner may be, until the final decision of Government be made known.

The court may recommend to Government to annul or mitigate final sentences,

Clause 2*nd.*—In the event of such recommendation, the Governor in Council, reserving to himself the full power of granting pardons or mitigating sentences, but not of commuting them otherwise than by substituting imprisonment or transportation for death, will furnish the requisite directions to the Court of Sudder Foujdaree Adawlut, which shall forthwith issue a warrant for execution thereof.

and Government may mitigate or annul all sentences,

Clause 3*rd.*—The Governor in Council also reserves to himself full power to grant indemnities, pardons or mitigations, as described in the preceding Clause, in all cases whatever wherein he may deem it expedient execution whereof shall be done through the medium of the Sudder Foujdaree Adawlut, as therein directed.

with or without such recommendation.

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Section XXXII.—*Clause* 1*st.*—The Court of Sudder Foujdaree Adawlut shall keep records of its proceedings in the same forms as are prescribed for the criminal judge in Section XIV., a separate minute book being kept for the business relating to each zilla.

The court to keep minute books

separate for each zilla.

Clause 2*nd.*—Warrants issued by the Sudder Foujdaree Adawlut for the execution of sentences passed by the said court, or in the event of pardon or mitigation of punishment granted by the Governor in Council, shall be respectively in the forms contained in Ap-

Warrants for execution of sentences, and notifications, how issued.

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pendix (L); and when a prisoner is acquitted by the Sudder Foujdaree Adawlut, the same shall be notified by a precept directed to the criminal judge under the seal of the court and signature of the register.

The court to furnish Government with all information required;

Section XXXIII.—*Clause* 1*st.*—The Court of Sudder Foujdaree Adawlut shall furnish to the Governor in Council, as directed, returns and informations on any subject within its cognizance; also copies of its proceedings, or any documents on its records.

also periodical returns,

Clause 2*nd.*—It shall also forward to the Governor in Council such periodical returns relating to the business transacted by it, or by any subordinate court, as may be directed by the said authority.

and general reports.

Clause 3*rd.*—There shall also be forwarded with the returns described in the preceding Clause, a report analogous to that prescribed to be made by each judge on circuit in Clause 4th of Section XXIII., which shall further specify the period employed in each of the circuits, with the nature and extent of any injury that may appear to have been occasioned by the detention of persons as witnesses at the Sudder stations.

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CHAPTER VI.

RULES FOR PROCURING, TAKING, AND RECORDING EVIDENCE, AND FOR THE CONDUCT OF TRIALS BY CRIMINAL COURTS.

Attendance of witnesses, and production of articles procured by summons;

Section XXXIV.—*Clause* 1*st.*—When any criminal court, except the Sudder Foujdaree Adawlut, for which a particular mode is enacted, requires any person to give oral testimony, or produce any article in his possession as evidence, it shall issue a summons under its seal and signature, containing the name of the said person, the purpose for which his attendance is required, and the time and place at which he is to attend. If immediate attendance be not enjoined, the summons shall also specify, if the measure be thought

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with recognizance or security if required.

requisite, that the witness must pass a recognizance or security for his appearance, in default of furnishing which he shall be brought before the court, which will either bind him over as just stated, or keep him in custody, if it appear necessary; the amount to be inserted in the recognizance or security bond shall be stated in the summons, as well as a period of imprisonment in commutation, which shall in no case exceed two (2) years, and the bonds shall be in the form of Appendixes (M) and (N) respectively.

To be executed by the nazir,

Clause 2nd.—If the witness is to be found within the jurisdiction of the court, an order shall be written on the summons addressed to the nazir, or any other officer of the court, to serve and execute it (which, if necessary, may be done by force), and a written return shall be indorsed thereon by the officer, showing how the summons was executed, or why it was not: but if the witness is not to be found within the jurisdiction, the court shall forward the summons to the magistrate in whose jurisdiction he may be, with a letter explaining the exigency of the case, and pointing out where the witness is to be found, and the said magistrate shall proceed to execute it, and indorse the result as above directed to be done by the officer of the court: in either case the summons shall be returned to the court by the period specified in it, whether executed or not.

or if the individual be in another jurisdiction, forwarded to the proper magistrate,

who will take proper measures to make a fit return.

Altering penalties if he sees cause,

Clause 3rd.—A magistrate, to whom a summons has been forwarded for execution, may, if he see sufficient cause, either reduce or increase the amount of penalty or period of imprisonment stated in the summons, specifying his reasons for the same in his return, and it shall be competent to a court, or to the magistrate above-mentioned, when the attendance of a public officer in permanent official employ, or of an individual of known respectability and prudent demeanour is required, to notify the same to him by

and penalties in certain cases are not required.

written order or letter, and take no other security than his returning the same with an indorsement signifying his acquiescence.

A witness in court may be at once examined;

Clause 4th.—If a witness should happen to be in court during a trial, without having been previously summoned, he may forthwith be put on his examination.

and an accomplice may be admitted by the court as a witness.

Clause 5th.—In case of its being expedient to admit the evidence of an accomplice, the court shall be authorized to grant the same conditions as are placed at the discretion of a magistrate in Regulation XII. of 1827, Section XXXIV.

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Witnesses who cannot appear in open court may be examined apart.

Clause 6th.—In the event of illness rendering it dangerous for a witness to be brought into court, or personal considerations rendering it disreputable for a female to appear there, the court may commission any trustworthy person to take the evidence at the witness's residence; but in the latter case the court may always require the attendance of the witness in court for sufficient reason, due care being taken to provide screens or such other mode of concealment as is necessary to prevent her being publicly seen: the court may also, at its discretion, dispense with the attendance in court of a man of rank, and may cause his evidence to be otherwise taken.

The deposition of a person since dead is valid, but subject to reasonable deduction.

Clause 7th.—A deposition made before a competent authority by a witness who may have died before the final trial takes place, shall be considered valid at such trial, though liable to such deduction from the weight which it would otherwise be held to possess as the impossibility of further questioning him may suggest.

Penalties for non-appearance leviable at discretion by the trying court.

Clause 8th.—Penalties incurred by the non-appearance of witnesses shall be levied and executed by order of the court before which the case is ultimately tried, which shall always have authority to mitigate them.

Clause 9th.—A witness, who may be obliged to leave his home, shall be entitled to an allowance for subsistence, while so detained, not exceeding a quarter of a rupee per day, which shall be paid by the collector to the order of the court.

Subsistence allowed to witnesses detained from their homes.

Section XXXV.—*Clause 1st.*—The competency of witnesses shall be determined according to the rules on that subject laid down in Regulation IV. of 1827, Section XXXIII.

The competency of witnesses the same as in civil suits.

Conviction of an offence does not bar the competency of a witness. See Act XIX. of 1837.

Clause 2nd.—Oral testimony shall be committed to writing as prescribed in the succeeding section, and if any irrational animal or inanimate object is produced in elucidation of the case, the same shall be carefully identified, and the connexion which it bears to the subject of investigation shall be shown in the recorded testimony or in the minutes of the authority before whom it was produced.

Oral testimony to be committed to writing, and animals and articles produced to be duly identified and indicated.

Section XXXVI.—*Clause 1st.*—Every deposition shall contain, so far as can be ascertained, the following particulars: the name of the deponent, if a male; or unmarried female, the name of the deponent's father; if a married female, that of her husband; also the deponent's age, religion, sect and profession.

Details required in a deposition:—name, age, religion, sect and profession.

It shall be optional with the court to record the statement in the form of questions and answers, or as a continued relation; but leading questions suggesting any particular answer shall be carefully avoided.

The form of narrative or conversation may be used: leading questions prohibited.

The deposition shall further specify whether the deponent is speaking on oath or otherwise; it shall be signed by the deponent, and authenticated as sworn to or declared, and also dated, by the court.

Oath or declaration inserted: deponent's signature and attestation of the court.

Clause 2nd.—Such oath to speak the truth as may be considered binding on the deponent's conscience shall be administered previous to taking the deposition,

Oath to be administered at discretion.

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unless for reasons to be entered on the record of proceedings it should be deemed expedient to dispense with it; and in either case the witness shall be admonished as follows:—"*Be careful that you tell to the court the whole truth, and nothing but the truth, in the matter on which you are now to be examined, or otherwise you will be liable to punishment as a false witness.*"

Admonition to tell the truth.

A declaration is substituted for an oath by Act V. of 1840 in cases of Hindoos and Mahometans.

Deposition to be read to the deponent, whose suggested alterations will be made, with exceptions.

Clause 3rd.—Every deposition shall be read over to the witness previously to his signing it, and if he desire to alter any part thereof, the alteration desired shall be made, if it appear to the court to be consistent with his original meaning and intention; otherwise the court shall authenticate the deposition as first written, without taking the witness's signature, and proceed to take anew such deposition as the witness may desire, all which process shall be entered on the record of proceedings.

Contumacious refusal to give evidence punishable by the court.

Clause 4th.—A witness shall not be required to state any matter or produce any article criminatory of himself: if (with this exception) he refuse to make answer, or to conform to any rules respecting evidence, the court shall commit him to be confined until he comply, and he shall also be liable to punishment for contempt of court according to Section XI.

Prisoner's statements recorded as depositions, but not upon oath or compulsion;

Section XXXVII.—*Clause 1st.*—Statements made by prisoners, whether confessions, denials or defences, shall be recorded in the same way as depositions, except in respect to oaths or declarations: if a prisoner refuse to affix his signature, or make answer, no methods of compulsion shall be resorted to, but the fact shall be so recorded on the proceedings; and every confession made by a prisoner in a case, which is to be tried by a different court from that in which it is

and if not made before the trying court to be duly witnessed.

made, shall be authenticated by the certification and signature of two competent persons present, who shall be held in attendance at the final trial.

Confession before the trying court suffices for conviction,

Clause 2nd.—A prisoner's confession made before the court in which he is tried shall be sufficient proof for conviction, provided that on having the evidence in the case (or such part of it, taken before any competent authority, as, if admitted to be true, would prove the charge,) read over to him he confirm the confession; but if a prisoner's statement contain a confession of the charge against him jointly with exculpatory circumstances, the one shall not be acted on without the other; and confessions made before any authority different from that by which the trial is held, or before any individual, shall be deemed of weight according to the degree of corroboration they may receive before the court.

but must be taken strictly as a whole;

and if made before any other authority will be estimated by the court.

The prisoner may employ a pleader, but when addressed by the court must answer for himself.

Section XXXVIII.—*Clause 1st.*—A prisoner shall be allowed to employ whomsoever he can procure as counsel or pleader on his behalf, but the prisoner's presence shall not thereby be dispensed with, nor shall the court receive any pleading or assertion, except confirmed by the prisoner himself, nor record it otherwise than as made by himself.

All evidence to be delivered in the prisoner's presence and explained to him if necessary, and he may also cross-examine witnesses,

Clause 2nd.—Evidence shall always be taken in presence of the prisoner, and if from ignorance of the language in which it is given or other cause he has difficulty in understanding it, full explanation shall be given, and the privilege of examining witnesses shall also be open to him in its fullest extent.

make his defence, and adduce evidence, reasonable time being allowed.

Clause 3rd.—The prisoner shall always be called on for his defence after the evidence for the prosecution has been completed, and any evidence which he may point out for that purpose shall be procured by the court, and a reasonable period of time allowed.

Vide Clause 2nd, Section XXI.

Reg. XIII. 1827. Chap. VI.

The charge shall be distinctly stated at the commencement;

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and if altered in a case before the criminal judge the prisoner shall be informed.

Clause 4th.—The charge on which a prisoner is tried shall be distinctly stated to him at the commencement of the trial, and he shall be furnished with any information he may desire at any time during the same from the records of the court; and if it shall appear during a trial conducted before a criminal judge that the charge with which it commenced is not applicable to the case, a correct charge shall be framed and stated anew to the prisoner for his information as to the object of investigation.

The court may be assisted by respectable natives, as in the trial of civil suits.

Clause 5th.—The provisions of Regulation IV. of 1827, Section XXIV., for enabling courts of civil justice in which Europeans preside to avail themselves of the assistance of respectable natives in the trial of suits, by employing them as members of a punchaet, or as assessors, or more nearly as a jury, the decision, however, being in all cases vested in the authority presiding in the court, are applicable to courts of criminal justice.

The law officer's opinion as to the punishment to be taken, but only when so enacted to be followed as the rule.

Clause 6th.—When a prisoner is found guilty, the case shall be stated in writing to the proper law officer, who shall give a written answer, specifying the punishment which by the law of his faith is awarded to the offence proved; if the punishment should include mutilation, a term of imprisonment in commutation shall also be inserted at the rate of seven (7) years for the loss of a limb or feature, and the document shall be entered on the proceedings as a record of the exposition of the law officer, but not (unless when so prescribed by enactment) for the purpose of directing the court's judgment, which shall be according to the Regulations.

This Clause is rescinded by Regulation VIII. of 1831, Section VIII., Clause 1st.

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Sentences shall be passed in open court and recorded, and the prisoner may have a copy;

Clause 7th.—All sentences shall be declared to the respective convicts in open court, and every prisoner, after being sentenced, shall be entitled to be furnished with a copy (authenticated by the court) of the sen-

tence or of any document recorded as evidence on the trial.

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Clause 8th.—A prisoner shall at any time during a trial be entitled to the benefit of putting in bail instead of being committed to prison, when the same is consistent with the rules on that subject in Regulation XII. of 1827, or in any other part of the code, and the conditions thereof shall be regulated by the court in the manner prescribed for magistrates.

and is also entitled to demand bail as permitted by law.

SECTION XXXIX.—If a deposition, statement or confession made before any police authority be forwarded as evidence in the case to another authority, it shall, if confirmed by the declarant before the latter authority, which shall duly authenticate such confirmation, be a sufficient exhibit, except in trials before a Court of Circuit, wherein every oral declaration shall be recorded afresh direct from the declarant.

Documents framed in prepatory investigations are sufficient exhibits in all trying courts, except the Court of Circuit.

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SECTION XL.—Nothing contained in this Chapter shall preclude a court from procuring information otherwise than as therein described (the same not being allowed to operate towards conviction) for the purpose of discovering other evidence, which may be admissible in due form.

Formal intelligence may be procured, but shall not operate as evidence.

*

SECTION XLI.—Previously to setting a prisoner at liberty, whether he has been acquitted or committed, it shall be competent to the court to forward the prisoner to the custody of the magistrate of the respective zilla, or that in which the prisoner usually resides, with a copy of such proceeding and evidence as tends to prove the expediency of adopting precautionary measures for his future conduct, in which case the magistrate shall act according to his judgment.

A prisoner set at liberty may be delivered over to the magistrate with all information for precautionary purposes.

*

CHAPTER VII.

OF THE GAOL AND OF THE CUSTODY AND TREATMENT OF PRISONERS.

I. For State Prisoners, see Regulation XXV. of 1827.

II. For Subsidiary Gaols, see Regulation XVI. of 1828, 3rd Supplement.

III. For Prisoners sentenced by Authorities beyond the ordinary Jurisdiction, see Regulation IX. of 1833, and Act V. of 1847.

IV. For Thugs, Dacoits, so sentenced, see Act XVIII. of 1843.

V. For Prisoners sentenced by Courts Martial, see Regulation XXII. of 1827, Section VI., and Acts II. of 1840, and VIII. of 1844.

VI. For Prisoners transported from beyond Seas, see Interpretation printed in Section V., Regulation XIV. of 1827, also Act XVI. of 1840.

The gaol to be under the criminal judge, and the nazir and gaoler to govern it as he directs.

Section XLII.—*Clause* 1*st*.—The criminal gaol of each zilla shall be placed under charge of the criminal judge, and the gaoler shall, under the immediate superintendence of the nazir, maintain strict adherence to the rules and precautions enacted or pointed out by the criminal judge.

The civil surgeon attends the prisoners,

Clause 2*nd*.—The civil surgeon of the station shall attend the gaol and administer remedies to the sick.

who receive at the expense of Government an allowance of food and in some cases some money;

Clause 3*rd*.—All persons confined in the criminal gaol shall be subsisted at the expense of Government; the allowance shall be regulated by the criminal judge according to the prisoner's previous habits, but shall in no case exceed a quarter of a rupee daily, and it shall not be made in money, but food, unless the criminal judge see good reason for allowing as an indulgence a small portion to be given in cash.

also clothing and other indispensable articles.

Clause 4*th*.—Such clothing and other articles as are absolutely necessary shall also be furnished at the expense of Government according to the directions of the criminal judge.

Clause 5th.—The criminal judge shall forward to the Sudder Foujdaree Adawlut the petitions of prisoners to that court; he shall also, at least once in each month, visit the gaol, or depute one of his assistants on the duty, to redress grievances, to enforce attention to cleanliness, salubrity and security, and to maintain a proper management in all respects.

The criminal judge to forward prisoners' petitions made to the Sudder Adawlut and to visit the gaol once a month, to redress grievances, and maintain proper management.

Section XLIII.—*Clause 1st.*—When any person is committed to confinement, a written order under the seal of the court and signature of the criminal judge, or one of his assistants, shall be issued to the nazir; it shall mention the date of commitment, and whether the confinement is to continue until further orders, or for a specific period.

Each prisoner is admitted into the gaol under an order signed and sealed,

Clause 2nd.—If the prisoner is required to furnish security, or sentenced to undergo punishment, the same shall be detailed in the above-mentioned order; and the nazir shall cause it to be executed under the directions of the criminal judge, indorsing the time and mode of execution on the order.

detailing any punishment or security directed, and the nazir executes and makes returns,

Clause 3rd.—If a prisoner die, make his escape, or be released in any manner which would not be shown by the indorsement described in the preceding clause, the nazir shall certify the occurrence and its date in writing on the order.

reporting in like manner deaths and escapes.

Clause 4th.—When a prisoner is released after having been confined six months or upwards, the criminal judge shall, if he sees sufficient reason, grant him a sum of money not exceeding one month's subsistence, at the rate mention in the 3rd Clause of the preceding section.

After six months' confinement, a small sum may be given to a prisoner when released.

Section XLIV.—*Clause 1st.*—Male prisoners shall be kept separate from the females, the sick from those in health, those untried from convicts, and accomplices admitted as witnesses from all others, as also criminals under sentence of death.

Separation and classification of prisoners in support of morality and healthiness,

Reg. XIII. 1827. Chap. VII.

Clause 2nd.—So far as the capacity of the gaol will admit, separate apartments shall be allotted for the following descriptions of prisoners:—

and as dictated by justice

Those sentenced to punishment of a greater degree than zilla magistrates are authorized to inflict;

Those committed to be tried by a Court of Circuit;

Those sentenced to punishment within the degree which zilla magistrates are authorized to inflict.

Due regard shall also be paid in the subdivision of the above described classes to the relative atrocity of the crimes of the prisoners.

and humanity.

Clause 3rd.—The criminal judge shall make his arrangements with all possible regard to religious prejudices, that the prisoners may not be subject to causes of excommunication or contamination; and he shall, by every means consistent with security, alleviate the confinement of such as are not convicts, and protect them from the necessity of associating with persons of vicious or degraded habits, and with this view he may for sufficient cause remove a prisoner to the civil gaol, if it can be done with due regard to safe custody.

Convicts under heavy sentences to be secured with fetters, &c. and others in cases of necessity.

Section XLV.—*Clause 1st.*—Prisoners sentenced to hard labour, transportation or death, shall be secured with fetters, which, as well as handcuffs or stocks, may be used to secure prisoners of any other description, if necessary.

All convicts not expressly exempted may be employed in prison labour;

Clause 2nd.—Any prisoner confined under a sentence which does not include hard labour, may (unless it be expressly forbidden in the warrant) be employed in such manufacture or other occupation as can be performed under shelter, and does not require severe exertion, for a period not exceeding six hours each day.

This clause is modified by Act XI. of 1840, which declares that no prisoner shall be forced to labour unless his sentence so directs. Reg. XIII. 1827. Chap. VII.

Clause 3rd.—If a prisoner should refuse to perform labour lawfully required, he may be compelled by the means authorized in the ensuing section, except that stripes shall only be employed in the case of a prisoner sentenced to hard labour. resisting work may be punished.

Section XLVI.—*Clause 1st.*—The criminal judge shall be attentive to prevent drunkenness, gaming and immoral or disorderly conduct of any sort within the gaol. The criminal judge may punish misconduct of prisoners

Clause 2nd.—For the above purpose, as well as to punish attempts at escape, he shall be authorized to inflict on prisoners misbehaving themselves punishment of the following nature:— by flogging, solitary confinement fifteen days, confinement in the stocks, privation. *

Stripes;

Solitary confinement for a period not exceeding fifteen (15) days;

Reduced allowance of food or conjee diet;

Confinement in stocks.

For offences committed by convicts sentenced to imprisonment for life, see Act XVIII. of 1845.

APPENDIX (A).

(See Section III., Clause 2nd, and Section IV., Clause 4th.)

Form of Oath to be taken by a Judge of the Sudder Foujdaree Adawlut, or of a Special Court.

I, A. B., solemnly swear that I will truly and faithfully execute the duties of judge of the Court of Sudder Foujdaree Adawlut [*or*, "judge of the special court to which I am appointed"]; that I will administer justice according to the Regulations in force to the best of my ability, without fear, favour, or promise or hope of reward; that I will not receive, directly or indirectly, nor permit any person under my authority

Reg. XIII. 1827. App. (A),

so to receive, any present, either in money or in any other mode, on account of any matter which is, or has been, or is to be investigated or decided by or brought before the said court, or by or before myself in any capacity arising from my appointment in it; and that I will not derive any emolument from my office, except as authorized by Government.

So help me God.

[*Date*]. [*Signature*].

APPENDIX (B).

(See Section III., Clause 2nd, and Section IV., Clause 4th, and Section VI., Clause 1st.)

Form of Oath to be taken by the Register or Assistant Register to the Court of Sudder Foujdaree Adawlut, Special Court, or Court of Circuit.

I, A. B., register [*or* "assistant register"] to the Sudder Foujdaree Adawlut, [*or* "Special Court now assembled," *or* "Court of Circuit"] now sitting, solemnly swear that I will perform truly and faithfully the duties of the said office to the best of my ability; that I will not receive, directly or indirectly, any present in money, or in any other mode, on account of any matter which is, or has been, or is to be investigated or brought before the said court; and that I will not derive any emolument from my office, except as authorized by Government.

So help me God.

[*Date*]. [*Signature*].

APPENDIX (C).

(See Section VII., Clause 2nd, and Section VIII., Clause 1st.)

Form of Oath to be taken by a Criminal Judge or his Assistant.

I, A. B., appointed criminal judge [*or* "senior," *or* "first, &c., senior," *or* "junior," *or* "first, &c.,

junior," *or* "assistant to the criminal judge"] of the zilla of ——, solemnly swear that I will to the best of my ability preserve the peace at the Sudder station of the said zilla, and decide on the matters brought before me, and perform the functions of my office, with impartiality and integrity, according to the Regulations in force; and that I will not receive, nor permit any person under my authority to receive, directly or indirectly, any present, either in money or in any other mode, in the execution or on account of any matter relating to the duties of my office; and that I will not derive any emolument from my office, except as authorized by Government.

So help me God.

[*Date*]. [*Signature*].

APPENDIX (D).

(See Section IX., Clause 1st.)

List of Days on which Courts are to be closed beside Sundays and local Holidays.

New year's day (1st January), Good Friday, Nativity of Christ (25th December), the Queen's Birthday.

APPENDIX (E).

(See Section XIX., Clause 1st.)

Form of Proclamation of the Sessions.

Whereas information has been received from the judge on circuit, announcing his intention of holding a Court of Session at [*here insert the place where it is to be held*], on or about [*here insert the time both in the English era, and that commonly used in the language of the proclamation*], all persons bound or required to appear before the said court are hereby informed thereof, and in default of attendance, they

Reg. XIII. 1827. App. (E).

will be liable to whatever penalty may attach to the omission.

And all persons desirous of making any representation to the judge on circuit respecting the administration of justice, or grievances incurred in it, are informed that their statements will be heard.

[*Signature of the criminal judge or magistrate*].

[*Date*].

APPENDIX (F).

(See Section XIX., Clause 2nd.)

Form of Calendar of Prisoners for Trial at the Sessions.

Calendar of prisoners committed or held to bail for trial at the sessions at ——.

Dated [*here insert the date on which the calendar is delivered to the judge on circuit*].

No. of the Case.	Name of the Prisoner.	Description of any previous Sentence which may still be in Course of Execution against the Prisoner, and how far it has been executed. N. B. If there be no Prisoner so situated, this Column may be dispensed with.	Abstract of the Charge and Date on which preferred.	Whether committed or held to Bail, and on what Date.	Abstract of the Grounds for subjecting the Prisoner to Trial.	Names of the Witnesses for the Prosecution.	Names of Witnesses called by the Prisoner.

APPENDIX (G).

(See Section XIX., Clause 2nd.)

Form of Calendar of Persons absent in Breach of Engagement.

Calendar of absent persons whose attendance has been required at the sessions, at ——.

Date [*date of delivery*].

Names of Persons on Bail for Trial, and Number of the Case in which each is concerned.	Names of Witnesses and Number of the Case in which each is concerned.	Names of Persons whose Attendance may have been required for Purposes not included in the preceding Columns, and Abstract of the Purposes.	Abstract of the Mode in which the Absentee has been bound or enjoined to appear.

APPENDIX (H).

(See Section XXI., Clause 3rd.)

Form of Warrant for executing a Sentence passed finally by a Court of Circuit.

(Seal.)

To [*here insert the official direction of the criminal judge*].

Whereas a Court of Circuit held at [*here insert the name of the place and zilla*] before [*here insert the name of the judge and his official designation in the Sudder Foujdaree Adawlut*], the prisoner [*here insert the name*] has been tried on a charge [*or* "charges"] recorded in case [*or* "cases"] numbered

Reg. XIII. 1827. App. (H).

[*here insert the number or numbers*] in the calendar, dated ——, and convicted of [*here insert the conviction*], and the said prisoner has therefore been sentenced to [*here insert the sentence*], you are hereby required to execute the said sentence according to the Regulations.

Signed [*By the judge on circuit*].

[*Here insert the date*].

APPENDIX (I).

(See Section XXI., Clause 3rd.)

Form of Warrant for keeping a Prisoner in Custody whilst a Sentence passed by a Court of Circuit is referred to the Sudder Foujdaree Adawlut.

(Seal.)

To [*here insert the official direction of the criminal judge*].

Whereas at a Court of Circuit held at [*here insert the name of the place and zilla*] before [*here insert the name of the judge and his official designation in the Sudder Foujdaree Adawlut*] the prisoner [*here insert the name*] has been tried on a charge [*or* " charges"], recorded in case [*or* " cases"] numbered [*here insert the number or numbers*] in the calendar, dated ——, and convicted of [*here insert the conviction*], and the said prisoner has therefore been sentenced to [*here insert the sentence*], which sentence, however, is subject to the final decision of the Court of Sudder Foujdaree Adawlut; you are hereby required to keep the said prisoner in custody until you receive final instructions from the said court.

Signed [*By the judge on circuit*].

[*Here insert the date*].

APPENDIX (J).

(See Section XXVI., Clause 2nd.)

Form of Warrant for executing a Sentence passed by a Special Court.

To [*here insert the official address of the criminal judge*].

Whereas at a special court, assembled by order of the Governor in Council, under date ——, in the zilla of ——, the prisoner —— has been tried on a charge of [*here insert the charge*] and found guilty of the same, and whereas, on the proceedings held at the said trial being laid before the Governor in Council, instructions were issued by that authority in confirmation [*or* "mitigation"] of the sentence awarded by the court, and according thereto the said prisoner has been finally sentenced to [*here insert the sentence*], you are hereby required to execute the said sentence according to the Regulations.

[*Signed by the members of the court with their respective official designations*].

[*Insert the date of the sentence*].

APPENDIX (K).

(See Section XXIX., Clause 3rd.)

Form of Summons to be used for procuring the Attendance of a Witness before the Sudder Foujdaree Adawlut.

(Seal.)

To [*insert the name of the witness, and, so far as may be known or necessary to identify the person, the particulars prescribed in the first Clause of Section XXXVI. to be inserted in a deposition*].

Whereas your presence is required before the Court of Sudder Foujdaree Adawlut to afford information

Reg. XIII. 1827. App. (K).

respecting [*here insert in general terms the purpose for which the witness's presence is required*], you are hereby required to attend before the said court at [*seat of the court*] on the [*insert the time. If the witness is required to produce any article, here add* "and to bring with you," *&c.*]

In failure whereof, you will be liable to the penalties which attach by Regulations to the same.

[*Signature and official designation of the register*].

[*Date*].

N.B. An indorsement shall be made on the summons, specifying either that the officer to whom it is addressed shall use his discretion in applying any of the modes of enforcement detailed in the first Clause of Section XXXIV., or directing which of them shall be resorted to, and the extent of penalty to be inserted.

APPENDIX (L.)

No. 1.

(See Section XXXII. Clause 2nd.)

Form of Warrant for executing a Sentence passed by the Sudder Foujdaree Adawlut in a Case referred to it by a Court of Circuit or Criminal Judge.

(Seal.)

To ——, criminal judge of the zilla of ——.

Whereas a case was referred to the Court of Sudder Foujdaree Adawlut on the [*insert the date of the reference*] by the criminal judge of the [*or* "judge on circuit holding a session in the"] zilla of ——, wherein [*insert the name of the convict*] was charged with [*insert the charge*], and has been found guilty [*or* "under circumstances of extenuation guilty," *or* "not guilty"] thereof, and has been sentenced to [*insert the sentence*†],

† The words underlined to be omitted where the order is for discharge.

you are hereby required to execute the said sentence [*or* "discharge him"] according to the Regulations.

[*Signatures and official designations of a sufficient number of judges to constitute a court*].

[*Date*].

No. 2.

(See Section XXXII., Clause 2nd.)

Form of Warrant to be used when Pardon or Mitigation of Punishment is granted by Government.

(Seal.)

To [*insert the address of the officer in whose custody the prisoner may be*].

Whereas [*insert the name of the prisoner*] was convicted before [*insert the convicting authority*] of [*insert the crime of which the prisoner was convicted*] and sentenced to [*insert the sentence*], for execution of which a warrant was issued to [*insert the designation of the officer to whom the warrant was addressed*] on the [*insert the date of the warrant*], and it has been deemed expedient by the Governor in Council that the said punishment shall be mitigated [*or* "the said prisoner be pardoned"], which resolution has been signified to the Court of Sudder Foujdaree Adawlut in a letter dated [*insert the date of the Government order*], the sentence is in consequence recalled and the said warrant cancelled, and you are hereby required according to the said resolution of Government to set the said prisoner at liberty [*or here insert whatever punishment is to be inflicted*] and to return the said cancelled warrant with this present one, when the latter shall have been duly executed.

[*Signatures and official designations of a sufficient number of the judges to constitute a court*].

[*Insert the date*].

APPENDIX (M).

(See Section XXXIV., Clause 1st.)

Form of Recognizance to be entered into by a Witness.

I [*insert the name and profession of the witness and of his or her father, if the witness be a male or unmarried female, and if a married female, then the name of her husband and his profession, and in either case the residence of the witness*] hereby bind myself to be in attendance on [*insert the time*] at [*insert the place*] in order to give evidence before [*insert the authority before which the witness is summoned to appear*], and there to continue until dismissed by the said [*insert the above said authority*].

In failure whereof I shall be liable to forfeit the sum of rupees [*insert the amount*] to Government, and if the said forfeiture be not paid I shall be liable to imprisonment in the criminal gaol for the term of [*insert the period*].

[*Signature of the witness*].

[*Date*].

[*Authentication by the officer before whom the instrument is executed*].

APPENDIX (N).

(See Section XXXIV., Clause 1st.)

Form of Penalty Bond to be entered into by a Security for the Attendance of a Witness.

I [*insert a sufficient designation of the security*] hereby bind myself as security for [*insert the name of the witness*], who is bound to appear for the purpose of giving evidence before [*insert the authority before which the witness is to appear*] on [*insert the time*] at [*insert the place*], and there to continue until dismissed by the said authority.

If the said [*insert the witness's name*] fail in any of these conditions I engage to forfeit the sum of rupees [*insert the amount*] to Government, and if the said forfeiture be not paid I shall be liable to be imprisoned in the criminal gaol for a period of [*insert the period*]..

[*Signature of the security*].

[*Date*].

[*Authentication of the officer before whom the instrument is executed*].

REGULATION VIII., A.D. 1828.

SUPPLEMENT I. TO REGULATION XIII. OF 1827.

A Regulation instituting a Provincial Court of Circuit for the Zillas comprised in the Province of Guzerat, subject to the Supreme Criminal Jurisdiction of the Sudder Foujdaree Adawlut upon the removal of that Court to the Presidency, and providing for the Charge of Gaols where there is no Criminal Judge or Assistant Criminal Judge:— passed by the Governor in Council of Bombay on the 20th of August, 1828, *corresponding with the* 10*th Shravun Sood Sumbut or Vikramajeet Era,* 1884, *Salbahan,* 1750, *Fusly,* 1238, *Soorsun,* 1229, *and* 8*th Suffer,* 1244, *of the Hijree.*

This Regulation was passed on the removal of the Sudder Foujdaree Adawlut from Surat to Bombay, and came into effect on the 1st November, 1828. It is entirely repealed by Regulation III. of 1830, 4th Supplement, and is not therefore printed here.

Reg. XI. 1828. Supp. II. to Reg. XIII. 1827.

REGULATION XI., A.D. 1828.

SUPPLEMENT II. TO REGULATION XIII. OF 1827.

A Regulation for rendering where expedient the Powers of Assistant Criminal Judges co-extensive with Assistant Judge in regard to the limit of Civil Jurisdiction, when stationed elsewhere than at the Sudder Station of a Zilla, and extending their Power:— passed by the Governor in Council of Bombay on the 20th of August, 1828, corresponding with the 10th Shravan Sood Sumbut or Vikramajeet Era, 1884, Salbahan, 1750, Fusly, 1238, Soorsun, 1229, and 8th Suffer, 1244, of the Hijree.

Preamble. WHEREAS no provision has been made for conferring on assistant judges, who may be stationed elsewhere than at a zilla Sudder station, criminal jurisdiction, and as such powers may occasionally be necessary, the following rules are passed, to have effect from the date of promulgation.

An assistant criminal judge, when stationed in the districts, may exercise criminal jurisdiction if judged advisable. Whenever an assistant judge may be authorized to hold his court elsewhere than at the Sudder station of a zilla, under the provisions of Clause 2nd, Section XXVIII., Regulation II. of 1827, it shall be competent for government to authorize him, in his capacity of assistant criminal judge, to perform all or any part of the duties that may be confided to an assistant criminal judge under the Regulations in force, within the limits of his civil jurisdiction; and, should Government see fit, it may further invest him with all or any part of the authority of a criminal judge, in preparing cases for trial by the Court of Circuit, the charge of a gaol, or other matter: the requisite instructions being communicated by Government to the Sudder Foujdaree Adawlut, and conveyed to the said assistant through

He may also have extended powers conferred on him.

the criminal judge of the zilla, who will also publish a notification thereof in the language of the district. Reg. XI. 1828. Supp. II. to Reg. XIII. 1827.

Assistant session judges at detached stations are declared by Section VI., Regulation III. of 1830, to be vested with the functions and penal jurisdiction prescribed by this Regulation and the latter part of Section VI., Regulation XXX. of 1827.

REGULATION XVI., A. D. 1828.

SUPPLEMENT III. TO REGULATION XIII. OF 1827.

A Regulation for establishing subsidiary Gaols where necessary:—passed by the Governor in Council of Bombay on the 24th of September, 1828, corresponding with the 1st Bhadrapud Vud Sumbut or Vikramajeet Era, 1884, Salbahan, 1750, Fusly, 1838, Soorsun, 1829, and 14th Rubee-ul-avul, 1243, of the Hijree.

Preamble. WHEREAS it is expedient in extensive zillas that subsidiary gaols should be established where required, the following rules have therefore been enacted, to have effect from the date of promulgation.

Subsidiary gaols may by order of government be established in any zilla; SECTION I.—Independent of the criminal gaol in each zilla provided for in Chapter VII., Regulation XIII., 1827, the Governor in Council, whenever he may deem it advisable, may by an order direct one or more subsidiary gaols to be established in any zilla.

and placed under charge of a public officer. SECTION II.—Subsidiary gaols shall be placed under the charge of such public officer as may be most convenient for its necessary superintendence.

The management of them to be under the same rules as the zilla gaol, and used as government may direct. SECTION III.—The management of subsidiary gaols shall in every respect be under the same rules, so far as circumstances will admit, as the zilla criminal gaol, and be used in such manner as Government may direct.

Reg. XVI. 1828. Supp. III. to Reg. XIII. 1827.

When established in a zilla the order to be sent to the judge through the Sudder Adawlut.

SECTION IV.—Whenever a subsidiary gaol is established in any zilla the order shall be communicated to the judge of the zilla through the Sudder Foujdaree Adawlut.

To be visited by the judge on circuit, or if inconvenient he may direct the zilla judge to visit and report on them.

SECTION V.—When possible, subsidiary gaols shall be visited in the same manner as is directed for zilla criminal gaols by the judge on circuit; but from being out of the way, or other good cause, established to the satisfaction of the Sudder Foujdaree Adawlut, it may be competent for that court to direct the zilla criminal judge personally to visit such gaols immediately on the conclusion of a session, making a report to the judge on circuit of all matters necessary regarding them.

REGULATION III., A.D. 1830.

SUPPLEMENT IV. TO REGULATION XIII. OF 1827.

A Regulation rescinding Regulations VIII. and XII. of 1828, *and vesting the Criminal Judges with the Powers and Functions of Session Judges:—passed by the Honourable the Governor in Council of Bombay on the 27th day of January,* 1830, *corresponding with the 3rd Maha Sood Sumbut or Vikramajeet Era,* 1886, *Salbahan,* 1751, *Fusly,* 1239, *Soorsun,* 1230, *and 2nd Shaban,* 1245, *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to rescind Regulations VIII. and XII. of 1828, and under the abolition thereby of the provincial Court of Circuit, to vest for the due administration of justice the criminal judges with the powers and functions of

session judges, the following rules have therefore been enacted, to take effect from the date of promulgation.

Reg. III. 1830. Supp. IV. to Reg. XIII. 1827.

Section I.—Regulations VIII. and XII. of 1828 are hereby rescinded.

Rescission of Regulations VIII. and XII. of 1828.

Section II.—It is hereby enacted, that the criminal courts held by the zilla judges shall be held by them as session judges, and where in the Regulations functions and duties are provided for the criminal judges, the same shall be executed by the session judges as substituted for them.

Criminal courts to be held by the zilla judges or session judges.

Section III.—The functions and jurisdiction of the session judges shall be those of criminal judges and Court of Circuit, as the same are provided for in Regulation XIII. of 1827, and accordingly as is prescribed in the rules enacted in Regulation XXX., 1827, * * * * with the exception of that of exercising the functions of a special court.

The functions and jurisdiction of the session judges defined.

The penal jurisdiction of session judges comprises the award of punishment to the full extent prescribed in the Regulations; but if the sentence be death, transportation or imprisonment for a longer period than seven years, or solitary imprisonment for a longer period than six months, or if the case be one of perjury committed before the session judge himself, then the case must be referred for the final judgment of the Sudder Foujdaree Adawlut before the sentence be executed.—Regulation XIII. of 1827, Sections XIII. and XXI.; Regulation XXX. of 1827, Sections III. and VI.; Regulation VIII. of 1831, Section IV.

Section IV.—The session judges shall take the oath prescribed for the criminal judges, with the requisite alteration of designation.

Oath of the session judges.

Declaration is substituted for oath under Act XXI. of 1837.

Section V.—The session judges shall hold half-yearly sessions at the detached stations where their assistants may be fixed, and the said sessions shall

The session judges to hold half-yearly sessions.

Reg. III. 1830. Supp. IV. to Reg. XIII. 1827.

commence at periods that may be fixed by the Sudder Foujdaree Adawlut.

The functions and jurisdiction of the assistant session judges.

Section VI.—The assistant criminal judges are in like manner to be denominated assistant session judges, with the functions and penal jurisdiction vested by

* *

Regulation XIII. of 1827 in the senior assistant criminal judges, and when at detached stations, as is prescribed in the concluding part of Section VI. of Regulation XXX., 1827, and Regulation XI. of 1828.

The penal jurisdiction of assistant session judges extends to the award of sentences of imprisonment for two years, with fine and corporal punishment, as specified in Clause 3rd, Section XIII., Regulation XIII. of 1827; and when the jurisdiction is extended specially under the same Section, all sentences above this limit are subject to the confirmation of the session judge before execution.—Act XIX. of 1839.

Oath of assistant session judges.

Section VII.—The assistant session judges shall take the oath prescribed for the assistant criminal judges, with the requisite alteration of designation.

See note above to Section IV.

Such parts of Reg. XIII. of 1827 as require that the Courts of Circuit shall be held by the judges of the Sudder Foujdaree Adawlut no longer exclusively applicable to them.

Section VIII.—It being above enacted that the session judges shall exercise the functions of the Courts of Circuit, it is hereby declared that such parts of Regulation XIII. of 1827 as provide and require that the Courts of Circuit shall be held by the judges of the Sudder Foujdaree Adawlut are no longer exclusively applicable to those judges, but only as is enacted in the following Sections.

Two judges of the Sudder Foujdaree Adawlut to make annual circuit as visiting commissioners of circuit.

Section IX.—Two judges of the Sudder Foujdaree Adawlut, in rotation or specially appointed by Government, under the denomination of visiting commissioners of circuit, shall make an annual circuit, one to Guzerat and the Conkan, the other to the Southern Mahratta country and the Dekhan.

This Section is modified by Regulation VIII. of 1833, 7th Supplement.—Q. V.

SECTION X.—These commissioners shall hold all state trials, and any other trials of a peculiar or aggravated nature, which from any circumstance Government, on report from the local authority, may wish to be reserved for that purpose.

Act V. of 1841 amends procedure in regard to state trials.

Reg. III. 1830. Supp. IV. to Reg. XIII. 1827.

*

These commissioners to hold all state trials and other trials that may be desired by Government from peculiar circumstances.

SECTION XI.—All the powers of Court of Circuit, of the Special Court, and all powers of control of inquiry and general supervision, are vested in the visiting commissioners of circuit over the judicial administration of the zillas comprised in their tour.

The power of the visiting commissioners of circuit defined.

SECTION XII.—At the conclusion of each tour, the visiting commissioners of circuit will make the report prescribed by Clause 4th, Section XXIII., Regulation XIII. of 1827.

The visiting commissioners of circuit to make the report prescribed by Clause 4th, Section XXIII., Regulation XIII. of 1827.

REGULATION VIII., A.D. 1831.

SUPPLEMENT V. TO REGULATION XIII. OF 1827.

A Regulation for modifying the Jurisdiction of Session Judges and Judicial Commissioners:—passed by the Right Honourable the Governor in Council of Bombay on the 29th Day of June, 1831, *corresponding with the 4th Jest Vud Sumbut, or Vikramajeet Era,* 1887, *Salbahan,* 1753, *Fusly,* 1241, *Soorsun,* 1232, *and 18th Mohurrum,* 1247, *of the Hijree.*

WHEREAS it has been found expedient to modify the provisions contained in Regulations XIII. of 1827, and III., of 1830, for the administration of criminal justice, the following rules have been enacted, to take effect from the date of their promulgation.

Preamble.

SECTION I.—The sub-collectors, appointed as provided in Regulation V. of 1830, Section II., shall henceforth in their magisterial capacity be denominated joint magistrates.

Sub-collectors in their magisterial capacity to be denominated joint magistrates.

Reg. VIII. 1831. Supp. V. to Reg. XIII. 1827.

Empowered to adjudge solitary imprisonment.

Section II.—*Clause* 1*st.*—Zilla magistrates shall be authorized to adjudge the punishment of solitary imprisonment for a period not exceeding one month, in cases to which that mode of punishment applies by Regulation.

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Such power extended to assistants, subject to confirmation.

Clause 2*nd.*—And the same authority may be exercised by the assistants, except that the sentences shall not be executed until confirmed by the magistrate.

The substitution of ordinary imprisonment for solitary confinement provided for.

Clause 3*rd.*—But when the means of enforcing solitary confinement do not exist, ordinary imprisonment is to be substituted for it in the ratio of six months for one.

* *

Rescinding Section VII., Regulation XXX. of 1827, and substituting the following rules.

Section III.—*Clause* 1*st.*—Section VII. of Regulation XXX. of 1827 is hereby rescinded, and instead of the authority therein vested in the session judge, he shall act under the rules in the succeeding clauses of this section.

The session judge empowered under certain restrictions to instruct the magistrate relative to cases handed up for trial before him;

Clause 2*nd.*—The session judge shall be authorized to issue instructions to the zilla magistrate respecting the preparation of cases brought before him by the latter, these instructions being confined to points indicated in the Regulations.

and to call for the record in cases tried before the magistrate and amend them; the case, however, if the amendment proposed be not approved of, being to be submitted to the Court of Sudder Foujdaree Adawlut.

Clause 3*rd.*—And in the absence of the judicial commissioner, the session judge shall be empowered to call for the records of the zilla magistrate on any case or proceeding wherein special reason may appear for so doing, and if on investigation he consider it necessary to make an amendment thereon of such nature as the magistrate either does not approve or is not authorized to perform, he shall forward the said records, accompanied by his correspondence with the magistrate, to the Court of Sudder Foujdaree Adawlut.

Modifying Clause 2, Sect. III., Reg. XXX. of 1827, and providing that sentences of solitary imprisonment passed for a longer period than six months shall be confirmed by the Sudder Foujdaree Adawlut.

Section IV.—In modification of the jurisdiction conferred on session judges by Regulation XXX. of 1827, Section III., Clause 2nd, it is hereby enacted,

that sentences of solitary imprisonment, passed by them for a period longer than six months, shall not be executed until referred to and confirmed by the Court of Sudder Foujdaree Adawlut.

Visiting judicial commissioner authorized to annul any sentence or proceeding of the zilla magistrate, who may remonstrate, but shall comply on the receipt of a second precept, the case being immediately forwarded to the Sudder Foujdaree Adawlut.

SECTION V.—The visiting judicial commissioners shall have authority to annul any sentence or proceeding of the magistrate in whose zilla he may be officiating. The magistrate, however, shall be authorized to remonstrate, when, if the commissioner still think his previous order necessary to be enforced, he shall issue a second precept for the purpose, which shall be obeyed forthwith; and the commissioner shall without delay forward the records of proceedings and correspondence to the Sudder Foujdaree Adawlut, which shall be competent to issue final instructions on the case.

Section VIII., Regulation XXX. of 1827, rescinded and the provision of Section XXIX., Regulation XIII. of 1827, extended throughout the zillas under this presidency.

SECTION VI.—Section VIII. of Regulation XXX. of 1827, is hereby rescinded, and the provisions of the XXIXth Section of Regulation XIII. of 1827 are instead to have effect in all zillas under the presidency of Bombay.

The Sudder Foujdaree Adawlut authorized to mitigate, annul or revise any sentence brought before the court in the course of any official proceeding.

SECTION VII.—It is hereby enacted, that such sentences, as by the relation which the third section of Regulation III. of 1830 bears to the third clause of Section XXI., Regulation XIII. of 1827, have been considered as not liable to revision by the Sudder Foujdaree Adawlut, in consequence of not being referable to it, are hereby declared subject to mitigation, annulment or revision, when brought before that court in the course of any official proceeding; and any provision to the contrary in the fifth clause of Section XXX., Regulation XIII. of 1827, or elsewhere, is hereby rescinded.

Rescinding Clause 6th, Section XXXVIII., Regulation XIII. of 1827, and regulating the attendance of the native law officers at all trials.

SECTION VIII.—*Clause 1st.*—The sixth Clause of Section XXXVIII., Regulation XIII. of 1827, is

Reg. VIII. 1831. Sup. V. to Reg. XIII. 1827.

hereby rescinded; but the native law officers shall attend to all trials, that they may be ready to assist the court, when it is desirable to consult them.

And case of unavoidable absence provided for.

Clause 2nd.—If, from any unavoidable impediment, a law officer be unable to attend, it shall be recorded in the proceedings; and if the trial then held require reference to him, it shall be made instead to the law officer of some other zilla, through the medium of the judge of that zilla.

Regulating the passing of sentence.

Section IX.—*Clause 1st.*—When a prisoner is found guilty, the sentence shall be passed according to the Regulations, unless the charge be of the nature contemplated in Regulation XIV. of 1827, Section I., Clause 7th.

And specially providing for cases falling under Clause 7th, Section I., Regulation XIV. of 1827.

Clause 2nd.—In which case the offence proved against the prisoner shall be stated to the proper law officer in writing, and he shall return a written answer specifying the punishment awarded by the law of faith; in which, if mutilation be included, it shall be commuted to a term of imprisonment, at the rate of seven years for the loss of limb or feature, and sentence shall be passed accordingly.

Exception.

Clause 3rd.—But if the law officer's exposition adjudge other punishment of a nature not authorized by the Regulations, it shall be commuted to some which is so authorized, at the discretion of the court; but the sentence shall not be executed until referred to and confirmed by the Court of Sudder Foujdaree Adawlut.

Reg. VII. 1833. Supp. VI. to Reg. XIII. 1827.

REGULATION VII., A. D. 1833.

SUPPLEMENT VI. TO REGULATION XIII. OF 1827.

A Regulation for modifying the Provisions in Force for the Trial and Punishment of Persons exceeding twelve in Number, assembling for riotous or rebellious Purposes not amounting to Treason, and for defining the Tribunal before which Persons committing Offences under the Designation of unlawful Attempts to alter the established Laws, or disturbing the Peace of Foreign States, may be tried:—passed by the Right Honourable the Governor in Council of Bombay on the 31st Day of July, 1833, corresponding with the 15th Shravan Sood Sumbut or Vikramajeet Era, 1889, Salbahan, 1755, Fusly, 1243, Soorsun, 1234, and 14th Rubee-ul-avul, 1249, of the Hijree.

Preamble.

WHEREAS the existing Regulations provide for the trial of persons charged with offences of a political nature before a Special Court, now held by a judicial commissioner, and render persons exceeding twelve in number, assembling for riotous or rebellious purposes not amounting to treason, liable to the punishment of rebellion; and whereas these offences are sometimes of such minor importance as not to require an extraordinary tribunal of the above description, nor to deserve to be punished as rebellion, it is judged expedient to modify so much of the Regulations in force as bears on this: the following Rules are in consequence passed, to take effect from the date of promulgation.

Modifying Clause 1st, Section XXIV., of Regulaton XIII. of 1827.

SECTION I.—In modification of Clause 1st, Section XXXIV., Regulation III. of 1827, it shall be competent for the Governor in Council to direct the trial of offences contemplated in Sections XIII., XIV. and

Reg. VII. 1833. Supp. VI. to Reg. XIII. 1827.

XV. of Regulation XIV. of 1827, to be held before the ordinary tribunals.

Riot.

SECTION II.—Whenever offences of riot by tumultuous assemblies shall occur, such being proved before the magistrate as not coming within the meaning of Section XIII., Regulation XIV. of 1827, as tending to rebellion, such riotous assembling shall from henceforth be considered a riot and breach of the peace.

Its punishment.

SECTION III.—The punishment of riot is ordinary imprisonment, not exceeding ten years, or fine, or both combined.

REGULATION VIII., A. D. 1833.

SUPPLEMENT VII. TO REGULATION XIII. OF 1827.

A Regulation for modifying Section IX. of Regulation III. of 1830, *and introducing a more suitable Arrangement for the Performance of the Annual Circuit by the Judicial Commissioners:—passed by the Right Honourable the Governor in Council of Bombay on the 25th Day of September,* 1833, *corresponding with the* 12*th Bhadrapud Sood Sumbut or Vikramajeet Era,* 1889, *Salbahan,* 1755, *Fusly,* 1243, *Soorsun,* 1234, *and* 11*th Jammadee-ul-avul,* 1249, *of the Hijree.*

Preamble.

WHEREAS experience has shown that the existing division of the annual circuit of the judicial commissioners into two parts is insufficient, inasmuch as the great extent of the charge devolving on the judicial commissioner for the Dekhan and Southern Mahratta country renders it impracticable for this officer to devote his attention to every part of the division that

should be visited, it is in consequence deemed expedient to introduce an arrangement, under which the whole of the territory subordinate to the Sudder Foujdaree Adawlut shall be periodically visited in a regular manner, the following Rules are therefore passed, to be in force from the date of promulgation.

Reg. VIII. 1833. Sup. VII. to Reg. XIII. 1827.

Section II.—Section IX., Regulation III. of 1830, is modified agreeably to the provisions contained in the following Sections.

Section IX., Regulation III. of 1830, modified.

Section III.—The annual circuit shall be divided into three parts, and a judicial commissioner appointed to each division by the Governor in Council.

The division of the annual circuit increased.

Section IV.—The first or Goojerat and Conkan division shall comprise the zillas of Surat, Ahmedabad and the Conkan, with exception of the detached station of Rutnagherie.

The districts comprised in the first.

The second or Southern Mahratta country division shall comprise the zilla of Dharwar and the detached stations of Rutnagherie in the Conkan zilla, and Sholapoor in the Poona zilla.

The districts comprised in the second.

The third or Dekhan and Kandeish division shall comprise the zillas of Poona (with exception of the detached station of Sholapoor) and Ahmednuggur.

The districts comprised in the third.

Section V.—The general circuit shall be performed in the following manner:—

The judicial commissioner for Goojerat and the Conkan shall set out on the 1st day of December, visiting Tanna, Surat, Broach, Kaira and Ahmedabad; and in alternate years Dholka, Dundookha and Gogo, returning to the seat of the court previous to the 1st day of April.

The periods to be occupied by the circuits respectively.

The judicial commissioner for the Southern Mahratta country shall set out on the 1st day of April, visiting Dharwar and such of the principal places in that zilla as he may see fit. In separate and alternate years he shall visit the

Reg. VIII, 1833. Sup. VII. to Reg. XIII. 1827.

detached stations of Rutnagherie in the Conkan zilla, and Sholapoor in the Poona zilla, returning to the seat of the court previous to the 1st day of August.

The judicial commissioner for the Dekhan and Khandeish shall set out on the 1st day of August, visiting Poona and Ahmednuggur, and such places in these zillas as he may think fit. In alternate years he shall visit the detached station of Dhoolia, returning to the seat of the court previous to the 1st day of December.

The stay of the commissioners at stations regulated.

Section VI.—Judicial commissioners are not to prolong their stay at the Sudder stations of zillas beyond a period of fifteen or twenty days, and ten days at a detached station, unless detained by trials or urgent business that may require their presence on the spot.

A separate notification to be sent in to Government by each commissioner on commencing his circuit.

Section VII.—Previous to commencing each portion of circuit, judicial commissioners shall notify to Government, through the secretary in the judicial department, the order in which they intend to proceed, with the dates on which they may expect to reach each station to be visited, in order that the same may be publicly announced in the Government Gazette. This is intended to be distinct from the notification to be made to the local officers on their tours under the Regulations to be promulgated in the several zillas.

Reg. IX. 1833. Sup. VIII. to Reg. XIII. 1827.

REGULATION IX., A. D. 1833.

SUPPLEMENT VIII. TO REGULATION XIII. OF 1827.

A Regulation to provide for the Reception in the Gaols under this Presidency of Prisoners sentenced by Courts of Justice and Tribunals acting under British Superintendence other than those provided for in the existing Regulations:—passed by the Right Honourable the Governor in Council of Bombay on the 30th day of October, 1833, *corresponding with the 2nd Asvin Vud Sumbut or Vikramajeet Era,* 1889, *Salbahan,* 1755, *Fusly,* 1243, *Soorsun* 1234, *and 16th Jammadee-ull-akhur,* 1249, *of the Hijree.*

Preamble.

WHEREAS it has been deemed expedient to sanction and provide by a legislative enactment for the reception in the gaols of this presidency of prisoners sentenced by courts of justice or other tribunals, however denominated, acting under British superintendence beyond the jurisdiction of the ordinary courts established within the Bombay territory, when the Governor in Council may be pleased to direct the same, the following rules have therefore been enacted, to have effect from the date of promulgation.

Government empowered to direct the execution of a sentence of imprisonment passed by any court of justice under British superintendence to be carried into effect in any gaol under this presidency.

SECTION I.—*Clause 1st.*—It shall be competent for the Governor in Council, whenever he may consider it necessary or expedient to do so, to direct, by an order through the Secretary to Government in the judicial department, that the confinement of any prisoner under sentence of any court of justice or other authority, wheresoever situated, being under British superintendence, beyond the ordinary jurisdiction, be carried into effect in any of the zilla or subsidiary gaols of this presidency.

Reg. IX. 1833. Sup. VIII. to Reg. XIII. 1827.

Clause 2nd.—A warrant, or in its absence a descriptive list, containing the name, age, cast, offence and sentence of the prisoner, shall be transmitted with the prisoners to the judge or chief authority in charge of the gaol, and the same shall be sufficient authority for the fulfilment of the said sentence.

A warrant or descriptive list to be furnished as authority for execution of the sentence.

Clause 3rd.—The execution of sentence so transmitted shall be certified to the secretary to Government in the judicial department.

To be returnable to Government.

Prison discipline.

SECTION II.—Prisoners in confinement under the above Section shall be subject to the same rules and prison discipline as are in force for prisoners under the Regulations.

I. Act XVIII. of 1843 provides for the custody of Thugs and Dacoits convicted by authorities beyond the limits of the British territories.

II. Act V. of 1847 provides for the execution generally of all sentences passed by authorities beyond the limits of the British territories.

REGULATION XIV., A.D. 1827.

A Regulation for defining Crimes and Offences, and specifying the Punishments to be inflicted for the same:—passed by the Governor in Council on the 1st day of January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Consisting of six (6) Chapters, as below:

Chapter.	Title.	Section.
I.	A general Description of the Acts which are to be considered criminal, with Reference to the Mode in which each is punishable	I.
II.	Of Punishments and the mode of their Execution	III.

Chapter.	Title.	Section.
III.	Of Offences against the State in its domestic and foreign Relations, and the Punishments to which they are liable; comprising—	
	Treason:	
	Rebellion:	
	Unlawful Attempt to alter the established Laws:	
	Disturbing the Peace of Foreign Estates....	XII.
IV.	Of Offences against Morality or the Community at large, and the Punishments to which they are liable; comprising—	
	Perjury:	
	Forgery:	
	Coining:	
	Issuing base Coin:	
	Selling Poisons:	
	Disguising the Appearance of valuable Articles:	
	Fraudulent use of Weights or Measures:	
	Fraudulently describing Articles offered for Sale:	
	Violation of local Police Rules:	
	Escape from Custody:	
	Resistance of Legal Process	XVI.
V.	Of Offences against the Person, and the Punishments to which they are liable; comprising—	
	Murder:	
	Culpable Homicide:	
	Procuring Abortion:	
	Rape and other Assaults:	
	Insult and Threatening:	
	Illegal Import, Export and Transfer of Slaves:	
	Kidnapping, Detention and forced Service:	
	Denunciations by means of Traga, Dhurna, Jhansa, &c.	XXVI.
VI.	Of Offences against Property, and the Punishment to which they are liable; comprising—	
	Gang Robbery:	
	Robbery:	
	Theft:	
	Breach of Trust:	
	Receiving stolen Goods:	
	Destroying Property	XXXV.

Whereas the principles of justice require that the punishment to be inflicted on criminals, and the of- Preamble.

Reg. XIV. 1827.

fences by which those punishments are respectively incurred, should be publicly promulgated; and whereas, in conformity with this object, and with the enactments of the British legislature, it has been the practice of the British Government of Bombay to apply to its subjects respectively their peculiar laws, modified and amended as necessity required by Regulations passed and published, the courts of justice ascertaining the native law in each case as it occurred by a reference to the law officer of the religion of the offender; and whereas an enactment, which should enumerate various offences and specify their respective punishments, the same being the general result of the practice of the courts founded on the successive expositions of the law officers consulted, must to a considerable extent secure the more steady observance of the principle of administering to individuals the law of their religion, by avoiding the probable variation in the expositions of different officers given each at the moment when the law is about to be applied; and whereas such an enactmeut will also combine the great advantages of superior publicity to the law, and of substituting a suitable discretion for the indefinite power conferred in numerous instances on the court by the expositions of the law officers, while it will also provide a code easy of access for those individuals of the community to whom, as not being subject to any specific national or religious code of criminal law, the English law has with considerable inconvenience been hitherto applied, the following rules are therefore enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

A GENERAL DESCRIPTION OF THE ACTS WHICH ARE TO BE CONSIDERED CRIMINAL WITH REFERENCE TO THE MODE IN WHICH EACH IS PUNISHABLE.

Specification of penal acts.

SECTION I. — *Clause 1st.* — Actions such as those hereafter enumerated are declared to be liable to the punishments respectively assigned.

Offences against the state,

First.—Offences committed against the state in its domestic or foreign relations as defined with the punishments to which they are liable in Chapter III.

morality, and the community at large,

Second.—Offences against morality or the community at large as defined with the punishments to which they are liable in Chapter IV.

person,

Third.—Offences against the person as defined with the punishments to which they are liable in Chapter V.

and property.

Fourth. — Offences against property as defined with the punishments to which they are liable in Chapter VI.

Offences peculiar to certain public officers,

Fifth. — Acts committed by public officers in breach of rules established for their guidance, the definition of and punishment for which are specified in those parts of the code which relate to such officers respectively.

or against particular enactments,

Sixth.—Acts which (whether or not abstractedly criminal) constitute breach of laws made for particular purposes, the definitions of and punishments for which are specified in the parts of the code relating to them respectively.

or the religion of the offender.

Seventh.—Offences declared penal by the religious law of the person charged, provided they be not included among those for which punishment is enacted in the code of Regulations, but nevertheless constitute a breach of morality,

* *

or the peace or good order of society: they shall be liable to such punishment as may be prescribed by the religious law of the convict, if it be of a nature authorized in Section III. of this Regulation; otherwise it shall be commuted to such of the punishments therein authorized, as may be deemed equivalent and appropriate by the authority taking cognizance of the case.

I. Act. II. of 1845 specifies the punishment to be awarded for adultery, and the circumstances under which conviction may be had.

II. For special enactments against Thuggee and Dacoity, vide Acts XXX. of 1836; XVIII. of 1837; XVIII. of 1839; XVIII. and XXIV. of 1843; X. of 1847; and III. of 1848.

III. Act XI. of 1848 provides for the suppression of wandering gangs of thieves and robbers.

IV. For conspiracy, vide Regulation XVII. of 1828, 1st Supplement.

V. For riot, vide Regulation VII. of 1833, 6th Supplement to Regulation XIII. of 1827.

VI. For offences by life convicts, vide Act XVIII. of 1845.

Attempts how punishable,

Clause 2nd.—An attempt to commit any of the above acts shall be punished according to the court's judgment founded on a combined consideration of the measure of guilt attempted and committed, but the punishment for such attempt shall in no case exceed that prescribed for the actual commission of the offence attempted.

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and offences not specifically designed.

Clause 3rd.—The unintentional commission of any of the above acts shall be punished according to the court's judgment of the culpable disregard of injury to others evinced by the person committing the said act, but the punishment for such unintentional commission shall not exceed that prescribed for the offence committed.

Mixed cases how prosecuted and punished.

Clause 4th.—If the case should combine the conditions of the two last preceding Clauses, a combined

prosecution under both may likewise be instituted; but the punishment shall not exceed that which could be adjudged under either of the said Clauses, which the court in its discretion may decide to apply.

* * *

Instigation and aid how punishable, also concealment in the case of serious crimes.

Clause 5th.—Instigating or aiding in any of the above offences committed or attempted shall be punishable as the respective offences; and in treason, rebellion, murder, or gang robbery, concealment, *whether before or after the fact*, shall be punishable equally with instigation or aid.

Concealment before the fact in other cases how punishable.

Clause 6th.—Concealment *before the fact*, in the case of any offence not specified in the preceding Clause with reference to concealment, shall, if the offence be attempted or committed, be liable to punishment of the same nature (exclusive of death, transportation or imprisonment for life) as that assigned to the respective offence, but to only half the extent.

Special rules with regard to near connexions.

Clause 7th.—The provisions of Clause 6th shall not apply to concealment in favour of a parent or child, husband or wife, brother or sister of the concealer, and protection or concealment *after the fact* of the offender or the offence, when any of the said connexions exist, shall never be punishable, unless the protection afforded be attended with such violence or threats of the same towards a third person as would probably occasion death or maiming to the person against whom directed.

Accessaries may be punished more severely than principals.

Clause 8th.—The degree of punishment inflicted by virtue of Clauses 5th, 6th and 7th, shall not be considered as necessarily regulated by that to which the principal in that particular case may have been sentenced, but may be greater or less according to circumstances, and within the prescribed limit.

Offences simultaneously committed may be prosecuted separately.

Clause 9th.—Conviction or acquittal of any particular offence is not to exempt the culprit from being tried for any criminal act of different denomination, which may have been committed at the same time,

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Reg. XIV. 1827. Chap. I.

provided that it was not virtually included in the charge on which he may have been so convicted or acquitted.

Criminal offences not prosecutable in the civil court.

Section II. — *Clause* 1*st.* — Criminal offences, as above described, shall not be made subjects of litigation in the civil courts, except in the following instances, and then the institution or result of a civil suit shall in no way depend on or affect any prosecution of the offence in the criminal court.

Exception in certain cases of private injury,

Clause 2*nd.* — Acts of frauds specified in Section XXII.; petty assaults, abuse and calumny specified in Section XXIX., Clause 2nd; fraudulent removal of property specified in Section XL.; and damage to private property specified in Section XLII., Clause 2nd; may be prosecuted in the civil court by the complainant.

and of the misconduct of public servants.

Clause 3*rd.*—Breaches of duty in native officers of courts of justice, and in natives employed in police duties, or in the collection of revenue, taxes or customs, may likewise, in conformity with the several Sections of Regulations II., XII., XIII., XVI., XVII., XVIII. and Chapter III. of Regulation XX. of 1827, which treat of those offences, be prosecuted in the civil court by the complainant.

CHAPTER II.

OF PUNISHMENTS AND THE MODE OF THEIR EXECUTION.

Specification of punishments.

Section III.—*Clause* 1*st.*—The following punishments, and no others, are authorized to be inflicted for the offences to which they are respectively assigned in the code of Regulations.

	Under the Rules prescribed in
First.—Death	Section IV.
Second.—Transportation . . .	Section V.
Third.—Confiscation of property .	Section VI.

	Under the Rules prescribed in
Fourth. — Imprisonment, which may be solitary or ordinary, and include banishment and hard labour .	Section VII.
Fifth.—Flogging	Section VIII.
Sixth.—Fine	Section IX.
Seventh.—Public disgrace . .	Section X.
Eighth.—Personal restraint . .	Section XI.

Punishment may be delayed if its infliction would occasion suffering not contemplated.

Clause 2nd.—If a prisoner sentenced to punishment by any authority, except a special court, should be seized with illness, or be liable to personal infirmity of such nature as would occasion the execution of the sentence to produce corporal evil of a sort not intended, the officer, whose duty it may be to execute the sentence, shall be authorized to delay it till such illness or infirmity may have ceased, if temporary; and, if permanent, he shall report the case to the Sudder Foujdaree Adawlut, which shall have authority to recall the warrant, and issue another, containing a sentence of such commuted punishment as it may deem adequate, the same being of the nature and within the limit prescribed for the respective offence; but if the original sentence have been passed by a special court, the remedy in the case contemplated shall be sought for from the Governor in Council by the means described in Regulation XIII. of 1827, Section XXXI., the officer in charge of the prisoner being authorized to act in the interim as above stated.

Death how to be inflicted, time and place.

Section IV.—*Clause 1st.*—The punishment of death shall be inflicted by hanging the criminal by the neck, and such time of day (being between sunrise and sunset) as well as such spot, at the place expressed in the warrant, shall be selected as may afford the greatest possible publicity to the execution, which also shall not take place on Sunday, Good Friday or Christmas-day.

Reg. XIV. 1827. Chap. II.

Ceremonies which may be used.

Clause 2nd.—All executions shall be conducted in a manner calculated to impress the spectators with awe, and, when specified in the warrant, they shall be accompanied with such circumstances in the dress or exposure of the criminal as, without adding to his sufferings, may increase the impression on the spectators.

The body how to be disposed of,

Clause 3rd.—If so directed in the warrant, the body shall remain suspended in chains, otherwise it shall be delivered to any one who may apply for the purpose of performing funeral rites, and if no application be made shall be buried at the place of execution.

also the gibbet.

Clause 4th.—The gibbet shall be inscribed or disposed of according to any direction contained in the warrant, and if there be no such directions it shall be removed.

Brahmins and females are in certain cases exempted from the punishment of death.

Clause 5th.—Death shall not be inflicted on Brahmins or females in districts where the religious feelings of the native community would be shocked thereby, unless in cases of such deep atrocity as may be expected to counteract the effect of those feelings.

Transportation adjudged only for life, how enforced.

SECTION V.—*Clause 1st.*—Transportation shall always be for life, and the criminal so sentenced shall be sent beyond sea under the instructions of Government, having been in the first instance delivered to the custody of the senior magistrate of the police in the island of Bombay, or other officer as Government may direct.

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Act XIV. of 1844 requires that a sentence of imprisonment for life shall include transportation for life, with certain exceptions.

Penalty of return without a pardon.

Clause 2nd.—A criminal returning from transportation without pardon shall be tried for the same before a Court of Circuit, and on his identity being thus established shall be retransported as described in the preceding clause.

Confiscation how enforced.

SECTION VI.—*Clause 1st.*—Confiscation of property is the seizure for the use of Government of all property

of which the convict may be possessed at the time of sentence.

A maintenance secured to the convict's family.

Clause 2nd.—The authority adjudging confiscation shall at the same time assign to the family of the offender sufficient maintenance out of the property confiscated, or such as it will afford.

Doubts regarding the seizure of property;

Clause 3rd.—If there be a doubt respecting any particular property belonging to the convict, the officer charged with executing the sentence may either make the seizure in the first instance, leaving the right to be decided by the usual course of law, or he may give a written notice of his intention to the supposed claimant, specifying the property in question, and stating that the seizure will be made at the end of six months from the date of delivery; the note shall also state, that if by the said period the claimant shall not have instituted any legal process to establish his right he will forfeit the same, and if no such process be so instituted the forfeiture shall take place accordingly.

and his outstanding demands how recovered.

Clause 4th.—And the officer charged with the execution of a sentence of confiscation shall be entitled to recover by the usual process of law all debts and rights due to the convict, in the same manner as if the said officer were an accredited agent to the convict.

Imprisonment, if solitary, limited to two years; if ordinary, to fourteen years; but perpetual imprisonment may be substituted for death, and the convict may then be transported.

Section VII.—*Clause 1st.*—Imprisonment may be either solitary or ordinary; in the first case it shall not be adjudged for a longer period than two years, *and shall not be combined with ordinary imprisonment,* and in the latter it shall not be adjudged for a longer period than fourteen years, except that ordinary imprisonment for life may be substituted as commutation for a sentence of death, in which case it shall be at the discretion of Government to cause the prisoner to be transported under the rules applicable to transportation.

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1. In modification of this clause it is enacted by Act XI. of

1840, that solitary imprisonment may be combined with imprisonment with hard labour.

II. Act XIV. of 1844 requires that a sentence of imprisonment for life shall include transportation beyond seas for life.

III. Act XVIII. of 1845 provides for the punishment of offences committed by convicts sentenced to imprisonment for life.

IV. Regulation VIII. of 1831 (5th Supplement to Regulation XIII. of 1827), Section II., Clause 3rd, specifies rate of commutation by ordinary imprisonment of sentences of solitary confinement awarded by magistrates.

Solitary imprisonment how enforced.

Clause 2nd.—Solitary imprisonment shall be enforced by confining the prisoner in a room where no communication can be had with any one; the room shall be opened only once in each day in order to clean it and supply the prisoners with food, and shall be kept open no longer than necessary for those purposes, no conversation being allowed with the prisoners at those times; but visits not exceeding one hour each, and at intervals of not less than one month, may be permitted to be made to the prisoners by any of his friends at the discretion of the criminal judge, who will take due precaution that the convict's safe custody be not thereby endangered.

Ordinary imprisonment may, if the warrant so direct, include hard labour, from which, however, Brahmins and females and certain other persons are in general exempted.

Clause 3rd.—Ordinary imprisonment shall, if the warrant or sentence so direct, subject the prisoner to be kept to hard labour, such as repairing roads, carrying burdens and other such toilsome employments, the labour being applied to purposes of public utility; but Brahmins, females, and persons of such order in society that the sentiments of the native community would be shocked by their being so employed, shall not be sentenced to hard labour, unless in cases of such deep atrocity as would obviate that impression.

Imprisonment with hard labour may be enforced any where within Bombay territories.

Clause 4th.—Convicts sentenced to imprisonment with hard labour may be removed to suffer the same at any zilla subordinate to the presidency of Bombay, under the directions of the Sudder Foujdaree Adawlut, or at the presidency, under the direction of the

Governor in Council, through the medium of that court.

I. For procedure in transfer of convicts, see Regulation XIII. of 1827, Section XV., Clause 2nd.

II. Act XXIII. of 1840 provides for the execution of writs, warrants or other process of the Mofussil Courts within the limits of the jurisdiction of Her Majesty's Supreme Court.

Convicts suffering imprisonment may be placed on conjee diet for a period.

Clause 5th.—A sentence of imprisonment, either solitary or ordinary, without labour, may be accompanied with directions to keep the prisoner on conjee diet for a period not exceeding one month.

Flogging how inflicted. One infliction not to exceed twenty-five stripes, nor one sentence a hundred stripes.

SECTION VIII.—*Clause 1st.*—The punishment of flogging shall be inflicted on the bare back with a rattan or such other instrument as may be authorized by the Sudder Foujdaree Adawlut: no culprit shall suffer more than twenty-five stripes at one time, or shall be sentenced to more than one hundred in one judgment.

Time, place and intervals of infliction.

Clause 2nd.—The warrant may direct the place where the punishment is to be inflicted, and if it is to be repeated at intervals they shall be specified in the warrant, and the rules contained in the first Clause of Section IV. regarding publicity in executing capital sentences shall be followed in executing sentences of flogging.

Certain persons exempted from this punishment.

Clause 3rd.—Persons of such description as are directed in the third Clause of the preceding Section to be exempted from hard labour shall not be sentenced to flogging.

Fine always commutable into imprisonment not exceeding five years.

Such imprisonment further limited as explained.

SECTION IX.—*Clause 1st.*—When a fine is imposed, a period of ordinary imprisonment to be suffered in commutation, if the fine be not realized, shall be specified in the warrant; this period shall never exceed five years, and is always to be considered included in the limitations of imprisonment prescribed as punishment for particular offences, or as bounding the jurisdiction of particular officers.

Reg. XIV. 1827. Chap. II.

I. Regulation XII. of 1827, Section XIII., authorizes a magistrate to award a fine, or part of a fine, as compensation to a party injured. And Act IX. of 1838 gives like authority to session judges.

II. For levy of fines imposed under the Acts of the Supreme Government, vide Act II. of 1839.

Fines may be partly discharged and the assigned imprisonment in part suffered.

Clause 2nd.—When a fine is partly paid, the imprisonment assigned in commutation shall be proportionally reduced; the calculation for this purpose of periods and payments shall reckon each month at thirty days, and shall descend to one rupee or day, but not lower on either side; and quantities containing fractions shall be changed for their next integral numbers in favour of the convict.

Special enactments regarding fines are not affected by these rules.

Clause 3rd.—Nothing contained in this Section shall be understood to oppose special enactments regarding fines in particular cases.

Public disgrace how inflicted.

Section X.—Public disgrace shall be inflicted by means of any degrading exposure, which may not involve corporal pain or offend moral propriety, such as conveying the culprit publicly on an ass with his face blacked, or with an inscription affixed to his person; but the particular mode adopted must have been previously sanctioned as a punishment by the Sudder Foujdaree Adawlut.

Personal restraint to be inflicted as described,

Section XI.—*Clause 1st.*—Personal restraint shall be carried into effect by confining the culprit under charge of some public officer, either at the culprit's own house, or at the chowra, or other place of public resort, for a period not exceeding fifteen days.

or differently if the Sudder Adawlut's sanction be obtained.

Clause 2nd.—Or the culprit may be placed for a period not exceeding fourteen hours under any sort of restraint analogous to those mentioned in the preceding Clause, the use of which may previously have been sanctioned by the Sudder Foujdaree Adawlut.

CHAPTER III.

OF OFFENCES AGAINST THE STATE IN ITS DOMESTIC AND FOREIGN RELATIONS, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE.

Comprising

Treason.
Rebellion.
Unlawful Attempt to alter the established Laws.
Disturbing the Peace of Foreign States.

Treason.

SECTION XII.—*Clause 1st.*—Any person subject to the criminal jurisdiction established by Regulation XI. of 1827, Sections I. and III., who shall raise or employ armed men for the purpose of making war against any of the British Governments in India, or the adjacent countries, or for the purpose of open depredation, or who shall join men so raised or employed, or shall attempt the fidelity of the troops of any of the said Governments, or shall assist its foreign enemies or rebels, or who shall be guilty of any act for the subversion of any of the said Governments, or the forcible dismemberment of its territories, shall be liable to suffer the punishment of treason.

its punishment.

Clause 2nd.—The punishment of treason shall be death, and confiscation of property.

Rebellion.

SECTION XIII.—*Clause 1st.*—Persons exceeding twelve in number, assembling for riotous or rebellious purposes, not amounting to treason, shall be liable to the punishment of rebellion.

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its punishment.

Clause 2nd.—The punishment of rebellion is ordinary imprisonment for a period not exceeding ten years, or fine, or both combined.

An unlawful attempt to alter the law,

SECTION XIV.—*Clause 1st.*—Any person who shall address threats to the established Government, or threats or promises to any of its agents, or of the authorities under it, for the purpose of procuring alteration in the law, or rendering it nugatory, or shall institute or join any conspiracy ratified by any sort of

Reg. XIV. 1827. Chap. III.

bond, oath or agreement between individuals to execute the said measures, shall be deemed guilty of an unlawful attempt to alter the established laws.

its punishment.

Clause 2nd.—And the said unlawful attempt shall be liable to punishment by fine, or ordinary imprisonment not exceeding a period of ten years, or both combined.

Disturbance of the peace of foreign states,

SECTION XV.—Any person subject to the criminal jurisdiction established by Regulation XI. of 1827, who shall, while residing within any zilla situated in the said jurisdiction, or within six months after quitting such jurisdiction, disturb the peace of a foreign state not at war with the British Government, or wilfully aid such offence by the grant or loan of money or arms, shall be liable to punishment by fine or ordinary imprisonment not exceeding ten years, or both combined.

its punishment.

The punishment of riot is provided in Regulation VII. of 1833, 6th Supplement to Regulation XIII. of 1827.

CHAPTER IV.

OF OFFENCES AGAINST MORALITY OR THE COMMUNITY AT LARGE, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE.

Comprising

Perjury.
Forgery.
Coining.
Issuing base Coin.
Selling Poisons.
Disguising the Appearance of valuable Articles.
Fraudulent use of Weights or Measures.
Fraudulently describing Articles offered for Sale.
Violation of Local Police Rules.
Escape from Custody.
Resistance of Legal Process.

Regulation XVII. of 1828, 1st Supplement, provides for the punishment of conspiracy.

Perjury,

SECTION XVI.—*Clause 1st.*—Any person who shall wilfully make a false statement upon oath or solemn

declaration before any authority empowered by Regulation to administer the same, or who shall break the oath or declaration prescribed in the code of Regulations as a qualification for any public office, shall be subject to the punishment of perjury.

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Clause 2nd.—Perjury shall be punishable by fine, imprisonment not exceeding ten years, flogging not exceeding fifty stripes, or public disgrace, or any of these combined. its punishment.

Clause 3rd.—But no person shall be tried for perjury by the individual officer before whom it is alleged to have been committed. Special rule as to the trial of perjury.

I. Perjury committed before the Sudder Adawlut to be tried in nearest zilla. Act IV. of 1838.

II. In modification of Clause 3rd of the above Section it is provided by Section IV., Regulation XXX. of 1827, in connection with Section III., Regulation III. of 1830, that session judges may try perjuries committed before themselves, but must refer sentence to the Sudder Foujdaree Adawlut for confirmation.

Section XVII.—*Clause 1st.*—Any person who shall counterfeit or fabricate any document or written instrument, or any signature, seal or mark upon such, or shall alter or efface the same, or any part thereof, with the intent of applying the same to a fraudulent purpose, shall be deemed to have committed forgery. Forgery,

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Clause 2nd.—Any person who shall make a fraudulent use of a document or instrument so forged, knowing it to be so, shall be liable to the punishment prescribed for forgery. and the wilful application of forgery to purposes of fraud,

Clause 3rd.—Forgery shall be punishable by fine, imprisonment not exceeding five years, flogging not exceeding fifty stripes, or public disgrace, or any of these combined. how punished.

Section XVIII.—Any person coining money without authority from Government, or wilfully injuring the legal coin of the country, or furnishing tools, knowing that they are to be applied to the said pur- Unlawful coining or injuring the legal coin, how punished.

Reg. XIV. 1827. Chap. IV.

poses, shall be punishable with fine, ordinary imprisonment not exceeding eight years, or flogging, or any of these combined.

The issue of unlawful coin,

Section XIX.—*Clause* 1*st.*—Any person who may issue money which he knows to be base and unlawfully coined, shall, if the amount be greater than ten rupees, or if he have previously been convicted of the said offence, be liable to the punishment prescribed for unlawful coining in the preceding Section.

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how punished in serious cases,

and how in more trivial ones.

Clause 2*nd.*—But if the amount do not exceed ten rupees, and the culprit have not before been convicted of the offence, he shall be punishable by fine not exceeding three times the amount of the sum issued, or attempted to be issued, commutable to ordinary imprisonment without labour, for a period of two days for each rupee of fine.

The unlicensed retail of poisons, how punishable;

Section XX.—*Clause* 1*st.*—Any person who sells by retail the poisonous drugs or deleterious substances described in Clause 3rd of this Section, without having obtained a license from the collector, according to Regulation XXI. of 1827, Section XLIV., and lodged a copy thereof in the magistrate's office, shall be punishable with fine, or ordinary imprisonment for a period not exceeding one year, or both combined.

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also certain incautious sales under license.

Clause 2*nd.*—And a licensed retailer of the said articles who shall, with regard to such of them as the magistrate shall have specified, fail on the occasion of any sale to ascertain the purpose to which the article is to be applied, and to make an entry in a book (which shall always be kept ready for the magistrate's inspection) of the quantity and date of sale, and the name and abode of the purchaser, shall also be subject to the penalties specified in the preceding Clause.

Articles placed under license, which however medical practitioners may give as medicines.

Clause 3*rd.*—The articles prohibited as above to be retailed without a license are the following, and it is to be understood that a medical practitioner admi-

nistering any of them as medicine, in the course of his professional practice, does not incur any penalty thereby. Reg. XIV. 1827. Chap. IV.

			Named in the Hindostanee Language.
Mineral Poisons.	Antimony.	Crocus of	Soofed Soorma.
		Glass of	Soorma.
	Arsenic.	Red	Munsel. / Tamra Soomul.
		White	Soomulkhar. / Soofed Soomul.
		Yellow	Hurtal. / Pewra Soomul.
	Cobalt		Unknown, / *perhaps* Kubood.
	Lead.	Burnt	Seesa ka bhusm.
		Red	Sendoor.
		Sugar of	Moordarsing. / Moordarsing ka zung. / Moordarsing ka durb.
		White	Soofeda.
	Verdigrease		Zungar.
	Vitriol, blue		Neela tootha. / Mortootha.
Vegetable Poisons.	Coculus Indicus		Kak maree kee beenj.
	Napellus Moysis		Bichnak.
	Nux Vomica		Kachla.

SECTION XXI.—Any person who shall have melted, or disguised the appearance of ornaments or articles composed of the precious metals or jewels, under circumstances which furnished cause for suspicion that the said articles had been dishonestly procured, shall be punishable with fine, ordinary imprisonment not exceeding three years, flogging not exceeding fifty stripes, or public disgrace, or any of these combined.

The fraudulent or suspicious melting or alteration of ornaments or other valuable property,

how punished.

SECTION XXII.—Any person professing to deal in retail, who may use false weights or measures, or use correct ones in a fraudulent manner, or offer articles for sale under a false description of their nature, shall be punishable with fine, ordinary imprisonment not ex-

Fraud by retailers in respect to weights and measures,

how punished.

ceeding one year, flogging not exceeding thirty stripes, disgrace, or any of these combined.

Breach of local rules,

how punished.

Section XXIII.—Any person wilfully violating any rules established or sanctioned by the magistrate, in conformity to the provisions of Regulation XII. of 1827, Section XIX., shall be punishable with fine not exceeding his computed average monthly income, ordinary imprisonment without hard labour not exceeding one month, flogging not exceeding twenty-five stripes, or personal restraint, or any of these combined.

Escape of a convict from custody,

how punished.

Section XXIV.—Any person who shall effect a forcible escape from custody, after sentence has been passed on him, shall be liable to be tried for the same before a Court of Circuit, and to suffer punishment of the same nature as that to which the act for which he had originally been sentenced is liable, except death, transportation and confiscation; and no sentence of imprisonment for a longer period than four years, or of flogging to a greater extent than forty stripes, shall be awarded.

The word "forcible" in this Section, is rescinded by Regulation V. of 1831, 4th Supplement, which renders penal escapes before sentence as well as aiding or permitting an escape.

Resistance to legal process,

its punishment.

Section XXV.—Resistance to any process issued by a civil or criminal court, or to any officer of such court in the performance of an act within his official province, if perpetrated by force, or by a threat of force of a nature apparently within the offender's power to execute, shall be punishable with fine, imprisonment not exceeding four years, flogging not exceeding fifty stripes, personal restraint, or any of these combined.

CHAPTER V.

OF OFFENCES AGAINST THE PERSON AND THE PUNISHMENT TO WHICH THEY ARE LIABLE.

Comprising

Murder.
Culpable Homicide.
Procuring Abortion.
Rape and other Assaults.
Insult and Threatening.
Illegal Import, Export, and transfer of Slaves.
Kidnapping, Detention, and forced Service.
Denunciations by means of Traga, Dhurna, Jhansa, &c.

Murder defined.

SECTION XXVI.—*Clause* 1*st*.—Any person who shall purposely, and without justifiable or extenuating cause, deprive a human being of life, or who shall commit or assist in any unlawful act, the perpetration of which is accompanied with the death of a human being, shall be liable to the punishment of murder, provided always that death take place within six months after the act was committed.

The belief that the deceased was a sorcerer not admitted without justification;

provision regarding self immolation prescribed by the religion of the sufferer.

Clause 2*nd*.—The belief that sorcery was practised by the deceased shall not be admitted as a justifiable cause for putting him or her to death, nor shall the deceased's own request be so admitted; *but assisting at any rites of self-immolation, as directed by the religious law of the person performing such immolation, shall not subject any one to the penalty of murder.*

Regulation XVI. of 1830, 3rd Supplement, rescinds the exemption contained in this Clause of persons assisting in rites of self-immolation from the penalty of murder, and renders them liable to that of culpable homicide or murder, according to the circumstances.

Certain causes may justify the taking away life.

Clause 3*rd*.—Deprivation of life may be considered justifiable as a means of resistance (provided it be the only evident and efficient one) to violence offered to the person or property of any one, or as the only evident and efficient means of securing a person who has

committed robbery or murder, or any other atrocious offence.

Punishment of murder.

Clause 4th.—The punishment of murder shall be death, transportation, imprisonment for life, or solitary imprisonment with flogging.

Culpable homicide,

Section XXVII.—Any person who shall by committing or assisting in any unlawful act occasion the death of a human being, provided, as before, that death ensue within six months after the act was committed, under circumstances which the court, in judging of the act, intention and cause, considers though not justifiable under the preceding section, yet sufficiently extenuating to divest the act of so much criminality as would constitute murder, shall be deemed guilty of

how punished.

culpable homicide, and shall be punishable with fine or imprisonment not exceeding ten years, or both combined.

The causing abortion, how punished.

Section XXVIII.—A woman removing her own pregnancy by procuring abortion shall be punishable with fine or imprisonment not exceeding ten years, or both combined.

Rape and serious assaults,

Section XXIX.—*Clause 1st.*—The crime of rape, as also an assault committed on the person of any one in such way as to maim or destroy the action of a limb temporarily or permanently, or injure the health, or to occasion what the court may consider a great degree of bodily suffering to the person assaulted, or to cause a severe shock to the mental feelings of the

how punished.

sufferer, shall be punishable with fine, imprisonment or flogging, or any of these combined.

Trivial assaults, including abuse,

Clause 2nd.—And assaults of a trivial nature, as well as abusive, calumnious threatening expressions addressed to a person in his presence, and of a nature tending to provoke a breach of the peace, shall be

how punished.

punishable with fine, ordinary imprisonment not exceeding six months, or personal restraint, or any of these combined.

Clause 3rd.—Any unlawful mode of wilfully producing bodily injury or suffering, though not actually an assault (as for instance, administering unwholesome food), shall be punishable, according to the consequences produced, in the same way and to the same extent as an assault.

All unlawful acts producing bodily suffering to be deemed assaults, and punished accordingly.

Section XXX.—*Clause 1st.*—Any person who shall import into any zilla subordinate to Bombay a slave for sale (and selling within one year after importation shall be deemed conclusive proof that such was the object of the importation), shall be punishable, if the slave be of ten years of age or upwards, with fine, or ordinary imprisonment not exceeding one year, or both; and if the slave be under ten years of age, with fine, or ordinary imprisonment, or both; and further, the simple importation of a child under ten years of age in a state of slavery, except in time of famine or immediately after, and on written permission granted by the magistrate, is hereby declared illegal, and will be visited with the retributive measures described in Section XXXII.

Import of slaves for sale,

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how punishable;

children imported as slaves except in a famine to be set free.

Clause 2nd.—Any person who shall export a slave from a zilla subordinate to Bombay into foreign territory without first obtaining a written permission from the magistrate, whose duty it shall be to grant the same only when satisfied that the object is not sale, will be punishable with fine, or ordinary imprisonment not exceeding one year, or both, and the slave on returning to the Bombay territories shall be held to be free.

Export of slaves without leave,

the slave on returning becomes free.

Act V. of 1843 amends the law relating to the condition of slavery in India.

Section XXXI.—In addition to the preceding rules, the following sales of slaves within the zillas subordinate to Bombay are declared to be illegal, and all persons concerned therein, either as buyers or

Sales of slaves are punishable;

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Reg. XIV. 1827. Chap. V.

sellers, will be punishable with fine, or ordinary imprisonment, or both;

if not registered;

First.—All sales whatever not registered by the magistrate, whose duty it shall be after due investigation to grant or withhold such registration and a certificate thereof, according as the rights of the parties and the provisions of the Regulations may seem to require;

if a young child and its mother are separated;

Second.—Any sale of a female slave having a child under ten years of age, by which such child is separated from her;

if the slave be not ten years old, unless in a famine;

Third.—Any sale of a child under ten years of age, though already in a state of slavery, except in time of famine;

if the sale be of a child into slavery, except by his parent in famine, a right of redemption remaining;

Fourth.—Any sale of a child into slavery, except in time of famine and by one of the parents, in which case a right of redemption at the price of sale shall be reserved to either parent and the child for the period of ten years;

if of a female for prostitution.

Fifth.—Any sale of a female for common prostitution.

Slaves illegally imported or sold are set free, and may be sent to their homes at the offender's expense.

Section XXXII.—Whenever an importation or sale of a slave has been pronounced to have been illegally made, the slave becomes thereby emancipated, and if Government shall so determine, on a report to be made by the zilla magistrate if the case shall have been decided by him, and by the criminal judge in all other instances, a fine, commutable into imprisonment, according to their jurisdiction, shall be imposed on the offender by those authorities respectively, and shall be expended when realized in re-exporting the emancipated slave to his own country.

Unlawful confinement,

Section XXXIII.—*Clause* 1*st.*—The detention of any person in unlawful confinement by force, or threats from their nature and extent reasonably to be deemed sufficient to deter the person threatened from

attempting to escape, and apparently in the power of the offender to put in execution, shall be punishable with fine, or imprisonment not exceeding five years, or with both. how punished.

Clause 2nd.—Stealing or forcing a child or idiot from its parents or guardians, or using force or threats, as defined in the preceding clause, to deter them from attempting to recover it, shall be punishable with fine, or imprisonment not exceeding ten years, or with both. The stealing of a child or idiot, how punished.

Clause 3rd.—The penalties attached to the pressing of coolies or begaries, the definition of that offence, and the measures which the magistrate is directed to pursue, in order to bring to justice any person committing it, are recited in Regulation XII. of 1827, Section XVII. Reference to the law against the pressing of coolies.

Section XXXIV.—Any person who in seeking compliance with a demand, execution of an engagement, or redress or revenge for an injury, any of the same being either real or imaginary, shall pursue measures which, though immediately injurious to himself or to his own connexions only, are yet in the imaginations of the populace supposed to produce evil to the party towards whom they are directed (as in traga or dhurna), shall be punishable with fine, or imprisonment not exceeding one year, or both combined. Intimidation when effected by threats of self-inflicted violence, how punished.

Section XXXV.—Any person who shall pursue the objects recited in the preceding section by conveying threats or committing violence or injury of any nature in a manner different from that described in the preceding section (as by jhansa), shall be punishable with fine, imprisonment not exceeding five years, or flogging, or any of these combined. When effected by threats of other violence, how punished.

CHAPTER VI.

OF OFFENCES AGAINST PROPERTY, AND THE PUNISHMENTS TO WHICH THEY ARE LIABLE.

Comprising
Gang Robbery.
Robbery.
Theft.
Breach of Trust.
Receiving stolen Goods.
Destroying Property.

Robbery.

SECTION XXXVI.—*Clause* 1*st*.—Robbery is forcibly or secretly taking away property, so as to deprive the owner thereof; and if committed by a number of persons greater than four, it shall be considered gang robbery.

When to be considered gang robbery.

Any person present, and countenancing robbery, is guilty of robbery.

Clause 2*nd*.—Any person acting in conjunction with another in robbery, by being present, or so near as to be able to aid its perpetration by giving notice of the approach of strangers or otherwise, and countenancing it, shall, although not actively engaged, be deemed guilty of robbery.

The special enactments against thuggee, contained in Acts XXX. of 1836; XVIII. of 1837; and XVIII. of 1839; are made applicable to the crime of dacoity by Act XXIV. of 1843. See also Act XI. of 1848.

Robbery when deemed to be committed by night and when by day,

and when to be considered accompanied with force.

Clause 3*rd*.—Robbery committed after sunset and before the ensuing sunrise shall be considered as committed by night; and if after sunrise and before the ensuing sunset, then by day; and if in the perpetration any personal violence or restraint have been used towards any one, or any dangerous weapon produced, so as to cause reasonable fear, or if entrance into the place where the robbery was committed have been effected by breaking any fastening or inclosure, the robbery shall be considered to have been accompanied with force.

Section XXXVII.—*Clause* 1*st.*—Gang robbery committed by day or night, when accompanied with force, shall be punishable in any of the modes specified in Section III., except confiscation, the punishments of imprisonment, fine and flogging being assignable singly or combined at the discretion of the court.

Gang robbery with force, how punished.

Clause 2*nd.*—Gang robbery without force, if committed by night, shall be liable to the punishments of imprisonment, fine and flogging, singly or combined; and if committed by day, it shall be punishable in the same manner, except that the period of imprisonment shall not exceed ten years.

Without force, how punished, if committed by night, and if by day.

Clause 3*rd.*—Robbery committed by day or night, when accompanied with force, shall be punishable in the same way as prescribed for gang robbery so committed in the first Clause of this Section.

Robbery with force is punishable as gang robbery.

Clause 4*th.*—Robbery without force, if committed by night, shall be punishable with fine, imprisonment not exceeding ten years, or flogging, or any of these combined; and if by day, it shall be punishable in the same manner, except that the period of imprisonment shall not exceed seven years.

Without force, how punished, if committed by night, and if by day.

Section XXXVIII.—An attempt to commit robbery or gang robbery, punishable as prescribed by Section I., Clause 2nd, is committed by some one of the circumstances specified as a definition of force in the third Clause of Section XXXVI. having taken place, or by the culprit having made use of words or actions evidently and immediately indicating an intention to resort to some of them, or by his joining a gang of robbers, or by his having actually taken hold of or removed the article attempted to be stolen.

Attempts, how proved.

Vide Act XI. of 1848 for the punishment of wandering gangs of thieves and robbers.

Section XXXIX.—Robberies which, from the

Petty thefts,

smallness of the amount stolen, the want of care used in securing the property, the absence of cause for personal fear, or other such reasons, may be considered trivial in their nature and consequences, shall be punishable as thefts, with fine, ordinary imprisonment not exceeding six months, flogging not exceeding twenty-five stripes, public disgrace, or personal restraint, or any of these combined.

how punishable.

Appropriation of property by breach of trust,

SECTION XL.—Any person fraudulently removing or keeping from its owner property so entrusted to his charge or disposal, as to enable him to do the same without employing either the force or secrecy which would constitute robbery according to the first Clause of Section XXXVI., shall be punishable with fine, or ordinary imprisonment not exceeding seven years, flogging, or public disgrace, or any of these combined.

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how punished.

Receivers,

SECTION XLI.—*Clause 1st.*—Any person receiving property knowing or having evident ground for suspecting such property to be stolen, or fraudulently withheld from its owner, without immediately giving information thereof to some public officer, shall be punishable with fine, ordinary imprisonment not exceeding five years, flogging or public disgrace, or any of these combined.

how punished.

Declaration of the right by the lawful owner.

Clause 2nd.—No person shall be deemed to have a right to property stolen, or fraudulently withheld in supercession of the right of the owner or his legal representative; but this shall not operate to prevent the receiver from recovering an indemnification from the person from whom he received the property.

Punishment on destroying certain property by fire or otherwise,

SECTION XLII.—*Clause 1st.*—Any person who shall wilfully and wrongfully set fire to, or otherwise damage or destroy any part of a dwelling-house or building appertaining thereto, or property contained in a dwelling-house, or building or inclosure appertaining thereto, or crops standing or reaped in the

field, shall be liable to any of the punishments specified in Section III. of this Regulation; and if the punishment awarded consist of fine, imprisonment or flogging, they may be combined. how punished.

Clause 2nd.—Any person forcibly or secretly destroying or injuring the property of another shall be punishable with fine, ordinary imprisonment not exceeding five years, or flogging not exceeding fifty stripes, or any of these combined. Of other property generally, how punished.

Clause 3rd.—Wilfully injuring any public edifice, well or machine, or any public fence, landmark, watercourse or road, or generally any work or object of public utility, shall be punishable with fine, ordinary imprisonment not exceeding six months, or flogging not exceeding twenty-five stripes, or any of these combined; but this clause is not to be considered applicable to the use of pasture, fuel or other productions in an authorized way, and by persons authorized so to benefit by them. Trivial injuries or mischiefs done to public property, how punished. Exception as to the permitted appropriation of grass, wood, &c.

Act III. of 1846 provides for the establishment of field boundary marks, and contains penalties for their removal.

REGULATION XVII., A. D. 1828.

SUPPLEMENT I. TO REGULATION XIV. OF 1827.

A Regulation to provide for the Punishment of the Crime of Conspiracy:—passed by the Honourable the Governor in Council of Bombay on the 3rd day of December, 1828, corresponding with the 11th Kartick Vud Sumbut, or Vikramajeet Era, 1885, Salbahan, 1750, Fusly, 1238, Soorsun, 1229, and 24th Jummadyool-awul, 1244, of the Hijree.

Whereas it has been judged expedient to provide for the punishment of the crime of conspiracy, the fol- Preamble.

Reg. XVII. 1828. Sup. I, to Reg. XIV. 1827.

lowing rules are therefore enacted, to have effect from the date of promulgation.

Definition of the crime of conspiracy; persons guilty of such, subject to punishment, although purpose not effected.

Section I.—Any persons who shall conspire or combine together to obstruct, pervert or defeat the course of public justice, or to injure the public health, or who shall combine together to impoverish or injure any individual or individuals, or who shall enter into a combination to effect a corrupt or illegal purpose, or to effect a legal purpose by illegal means, shall be subject to the punishment of conspiracy, although such purposes be not effected.

Punishmont, fine or imprisonment, or both, and by finding sureties.

Section II.—Conspiracy shall be punished by fine, or imprisonment not exceeding ten years, or by both these punishments combined, and by finding sureties for good behaviour according to the Regulations.

REGULATION III., A. D. 1829.

SUPPLEMENT II. TO REGULATION XIV. OF 1827.

A Regulation to provide for the Punishment of Frauds committed in the Packing and Sale of Cotton:—passed by the Governor in Council of Bombay on the 18th day of November, 1829, corresponding with the 8th of Kartick Vud Sumbut or Vikramajeet Era, 1886, Salbahan, 1751, Fusly, 1239, Soorsun, 1230, and 20th Jummadyool-avul, 1245, of the Hijree.

Preamble.

Whereas numerous and various kinds of frauds are committed in the packing and preparation of cotton for sale, to the great detriment and injury of the trade in that staple commodity; and whereas, to check and eradicate an evil of such pernicious consequences to the trade, it is expedient to provide for the punishment of the frauds so practised; and whereas it is expedient, from the short interval that elapses between the gathering of the cotton and the period

when it must be shipped from the ports of Guzerat, to provide that the cognizance of the offence committed should be had with the least possible delay, the following rules have therefore been enacted, to have effect from the date of promulgation.

Persons mixing good and bad cotton, and selling the whole fraudulently as good cotton, declared guilty of a penal offence.

Section I.—*Clause* 1*st.*—Any person fraudulently mixing good, and bad descriptions of cotton in one bale, termed "false packing," and fraudulently offering for sale, or selling cotton so packed as good cotton, shall be deemed to be guilty of a penal offence, and punishable as provided in the following Section.

Persons mixing dirt, &c, with cotton to add to its weight, declared guilty of a penal offence.

Clause 2*nd.*—Any person fraudulently deteriorating cotton by exposing it by night to heavy dews, by putting dirt, stones, earth or any other substance, or salt water amongst it, with the view of making it heavier, and packing it in that state to the injury of the staple, shall be deemed to be guilty of a penal offence, and any person so deteriorating cotton, or fraudulently offering it for sale, or selling it when so deteriorated, shall be punishable in the mode prescribed in the following Section.

Such frauds punishable by imprisonment and fine,

Section II.—*Clause* 1*st.*—Frauds thus committed and above made penal shall be punished with fine and imprisonment for the first offence not exceeding two years; and on a conviction of a second or more offences, with fine and imprisonment not exceeding seven years.

and the cotton fraudulently deteriorated liable to confiscation.

Clause 2*nd.*—And it is further enacted, that cotton so fraudulently offered for sale and sold shall be liable to confiscation, and to be burnt or otherwise destroyed, when the loss by such confiscation can be made to fall upon the person or persons who have been convicted of having committed the fraud.

Offences under this Regulation how tried and punished.

Section III.—And it is further enacted, that all offences coming under this Regulation shall be taken

Reg. III. 1829. Sup. II. to Reg. XIV. 1827.

cognizance of and punished by the magisterial authorities without delay, and by such summary process as the Regulations will admit of.

REGULATION XVI., A. D. 1830.

SUPPLEMENT III. TO REGULATION XIV. OF 1827.

A Regulation to rescind that part of Clause 2nd, Section XXVI., Regulation XIV. of 1827, *which exempts Persons assisting at Rites of Self-immolation from the Penalty of Murder, and declaring the Punishments to which Persons shall be liable, who may assist, or use Force or Violence in the Commission of such Acts:—passed by the Honourable the Governor in Council of Bombay on the 29th day of May,* 1830, *corresponding with the 7th of Jest sood Sumbut or Vikramajeet Era,* 1886, *Salbahan,* 1752, *Fusly,* 1239, *Soorsun,* 1230, *and 6th Zilhus,* 1245, *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient to rescind that part of Clause 2nd, Section XXVI., Regulation XIV. of 1827, which exempts persons assisting at rites of self-immolation from the penalty of murder, and at the same time to provide for the punishment of all persons assisting therein agreeably to the extent in which they may be involved, the following Rules have accordingly been enacted by the Honourable the Governor in Council of Bombay, to be in force from the date of promulgation within the territories subordinate to the presidency of Bombay.

* Part of Clause 2nd, Section XXVI., Regulation XIV. of 1827, rescinded.

SECTION I.—That part of Clause 2nd, Section XXVI., Regulation XIV. of 1827, which exempts persons assisting at any rites of self-immolation from the penalties of murder, is hereby rescinded.

SECTION II.—*Clause 1st.*—Any person henceforth assisting at any rites of self-immolation shall be held to be guilty of culpable homicide and punishable in the manner prescribed for that crime in Section XXVII., Regulation XIV. of 1827.

REG. XVI. 1830. Supp. III. to Reg. XIV. 1827.

Punishment assigned for assisting in rites of self-immolation declared to be that prescribed for culpable homicide.

Clause 2nd.—Any person assisting at any rites of self-immolation, who may use force or violence in the commission of the act, shall, as heretofore, be held to have committed or aided in the commission of murder, and liable to be punished in the manner assigned for that crime as provided for in Clause IV., Section XXVI., Regulation XIV. of 1827.

If such assistance should be attended with force or violence, the punishment is declared to be that prescribed for murder.

REGULATION V., A.D. 1831.

SUPPLEMENT IV. TO REGULATION XIV. OF 1827.

A Regulation for making Persons effecting an Escape from Custody, unaccompanied by Force, liable to the Penalties prescribed in Regulation XIV., Section XXIV. of 1827 *:—passed by the Governor in Council of Bombay on the 4th of May,* 1831, *corresponding with the 7th of First Vaisack Vud Sumbut or Vikramajeet Era,* 1887, *Salbahan,* 1753, *Fusly,* 1240, *Soorsun,* 1231, *and 20th Zilkad,* 1246, *of the Hijree.*

WHEREAS it having been found that escapes have been effected from custody unaccompanied by force, which it is necessary to punish, it has therefore been determined to strike the word "forcible" out of Section XXIV. of Regulation XIV. of 1827, and the following rules have been enacted.

Preamble.

SECTION I.—The word "forcible," in Regulation XIV., Chapter IV., Section XXIV. of 1827, is hereby rescinded.

The word "forcible," in Chapter IV., Sect. XXIV., Reg. XIV. of 1827, rescinded.

Reg. V. 1831. Supp. IV. to Reg. XIV. 1827.

Escapes from custody before sentence liable to the same penalties as those attempted or effected afterwards.

SECTION II.—And furthermore it is enacted, that escapes from custody before sentence shall be liable to the same penalties as those attempted or effected afterwards, the extent or degreee of punishment being governed by the mode of escape.

Persons permitting or aiding in an escape of a prisoner from custody liable to the same punishment as the prisoner who may have attempted or effected his escape, for such attempt or such escape.

SECTION III.—And it is further enacted, that any person or persons permitting or aiding in an escape of a prisoner from custody shall be liable to the same punishment as the prisoner who may have attempted or effected his escape, for such attempt or such escape.

*

REGULATION XV. A.D. 1827.

A Regulation containing Rules under which Landholders may be invested with Police Authority within their respective Lands or other convenient Limits, and deprived of the same; and declaring the Mode of Procedure to be followed in regard to them in Criminal Matters:—passed by the Governor in Council on the 1st January, 1827, corresponding with the 4th Poush Sood Sumbut or Vikramajeet Era, 1883, Salbahan, 1748, and 2nd Jummadyool Akhir, 1242, of the Hijree.

Consisting of two (2) Chapters, as below.

Chapter.	Title.	Section.
I.	Of the Appointment of Landholders to the Police Jurisdiction within their Lands or other convenient Limits, and of the Extent and Nature of the Authority conferred upon them, and Mode in which it may be withrawn	I.
II.	Of the Mode of Procedure to be followed in criminal Matters in regard to Landholders invested with Police Authority under this Regulation	XIV.

Preamble.

WHEREAS it is in some cases expedient, with the view of securing the exertions of individuals of rank and

influence in aid of the police and of public justice, that landholders should be entrusted with the charge of the police within their respective lands or other convenient limits; and whereas it is further desirable, while conforming to the ideas of the people at large with regard to the claims of birth and station, to gratify the feelings of such landholders by establishing, in respect to them and the individuals of their families, a mode of procedure in criminal cases less imperative than that which is applicable to the community at large, the following rules have therefore been enacted, to have effect from such date as shall be prescribed in a Regulation to be hereafter passed for that purpose.

CHAPTER I.

OF THE APPOINTMENT OF LANDHOLDERS TO THE POLICE JURISDICTION WITHIN THEIR LANDS OR OTHER CONVENIENT LIMITS, AND OF THE EXTENT AND NATURE OF THE AUTHORITY CONFERRED UPON THEM, AND MODE IN WHICH IT MAY BE WITHDRAWN.

Landholders vested with police authority when deemed expedient.

SECTION I.—In districts where such a measure may appear to him expedient, it shall be lawful for the Governor in Council to cause landholders to be placed in charge of the police within their respective lands or other convenient limits under the provisions of this Regulation.

Act XV. of 1840 renders the provisions of this Regulation applicable to the agents of foreign sovereigns.

Landholders so vested to have a sunnud specifying their duties

SECTION II.—*Clause 1st.*—When a landholder is placed in charge of the police by virtue of the preceding Section, a sunnud shall be issued to his address, specifying the territorial bounds of his jurisdictions, reciting generally the duties which the landholder is bound to perform, and containing as precise a specification as possible of the offences which he is em-

*

and powers,

powered to try, as also the extent of punishment which he is authorized to adjudge: the jurisdiction of the landholder may extend to the trial of petty thefts, assaults and affrays, abuse calculated to produce a breach of the peace, and contempt of the authority of the head of the village, and to infliction, singly or combined, of ordinary imprisonment without labour for two months, fine amounting to thirty (30) rupees, commutable into imprisonment included in the abovementioned term, public disgrace and personal restraint, or the said jurisdiction may be limited to the trial of trivial assaults and affrays, abuse and contempt of the village head authority, and to the infliction of the following punishments singly or combined, personal restraint for a period not exceeding eight (8) days, fine not exceeding five (5) rupees, commutable into personal restraint within the same period, and confinement in the stocks for a period not exceeding twelve (12) hours continuous, or at intervals.

which are of two ranges.

Sunnuds for the higher ranges issued by Government, others by the zilla magistrate,

Clause 2*nd.*—The sunnud shall be in the form contained in Appendix (A), but in the language of the zilla, and when the more extended range of authority is conferred shall be issued in the name of the Governor in Council, the zilla magistrate retaining a copy, and in other cases by the zilla magistrate, under the sanction of Government previously obtained.

who is also to furnish landholder with copies of Regulations.

Clause 3*rd.*—The zilla magistrate shall, on transmitting the sunnud to the landholder, furnish him at the same time with a copy of this Regulation, and of any other parts of the code with which, in the exercise of his police authority, it is important to him to be acquainted.

The landholder to employ his retainers on police duties,

Section III.—The landholder shall employ on the duties of police the whole of his retainers and dependents of every description, or such portion thereof as he may deem expedient, together with the village establishments of the several villages over which his

police jurisdiction extends, and on occasions of necessity, such as the apprehension of public offenders, or the defence of the country against marauders, or an enemy, shall have authority to call for the services of the inhabitants at large of the district under his control, and any person withholding such assistance shall, on proof of such fact, and of the urgency of the occasion, to the satisfaction of the zilla magistrate, be punishable by fine not exceeding (6) rupees, commutable to ordinary imprisonment, without hard labour, for a term not exceeding eighteen (18) days.

and authorized to call for assistance from all persons,

who are punishable for non-compliance.

SECTION IV.—The nomination and dismission of the police servants immediately under him shall be in the hands of the landholder; but no individual shall, without the zilla magistrate's consent, be nominated by the landholder to any situation in the police, who may have been dismissed from his situation by the zilla magistrate or his assistant, or any higher tribunal.

The landholder nominates his police servants,

with the magistrate's consent in certain cases.

SECTION V.—It is to be clearly understood, that the zilla magistrate has authority, if he should deem it expedient, to empower all individuals on the several police establishments under his orders to act within the limits of the landholder's jurisdiction in the same manner as beyond them; but such individuals shall be subject generally to the authority of the landholder, so far as is consistent with the execution of the zilla magistrate's orders.

Mode in which police officers of other parts of the zilla act within the landholder's local jurisdiction.

SECTION VI.—The duties of police in the several villages comprised within the landholder's jurisdiction shall be performed by their respective police establishments, the head of each village and other village officers exercising, under the control and superintendence of the landholder and zilla magistrate, the same authority and performing the same functions respectively as such officers do in other parts of the zilla;

Village police establishments within the landholder's local jurisdiction act as elsewhere.

and it shall be the duty of the zilla magistrate to cause the landholder to be informed of the provisions of the general Regulations on this subject, and to enjoin him to see that they are conformed to within the limits of his jurisdiction.

Magisterial and police duties of the landholder;

Section VII.—*Clause* 1*st.*—It shall be the duty of the landholder, with the means at his command, to maintain the public peace throughout his jurisdiction, to apprehend public offenders, to try and to punish offences according to the authority conferred on him by his sunnud, to execute the orders of the zilla magistrate, and to keep the district police officers in the neighbourhood and the zilla magistrate well informed of all matters relative to the public peace and tranquillity which it may import them respectively to know.

his power to punish misconduct on the part of his subordinate agents,

Clause 2*nd.*—The landholder is empowered to punish all neglects of duty in the police authorities and officers under his control to the extent to which he is authorized to award punishment for criminal offences.

to summon and apprehend witnesses and others, search for stolen property,

Clause 3*rd.*—The landholder shall have authority to compel the attendance of witnesses and others in obedience to his summons, to make search for stolen property under the restriction that dwelling-houses shall not, without urgent necessity, be searched from sunset to sunrise, and to punish contempts of his authority or disrespect by an adequate measure of personal restraint within the limits of the powers conferred on him.

punish contempts,

and when requisite take security;

Clause 4*th.*—He shall also have authority to take the security of persons whom he may consider objects of suspicion; but no person shall from failure to furnish security be subjected by the landholder to a longer period of restraint than the landholder is authorized to adjudge as punishment; but if security be not furnished at the expiration of that period, the

the prisoner

prisoner shall be forwarded to the zilla magistrate, by whom such order shall be passed in conformity with the Regulations as the case may require.

after an interval being sent to the zilla magistrate.

Section VIII.—No offence whatever shall be punished by the landholder which shall have been committed three months before the complaint was made.

The landholder's penal cognizance ends in three months.

Section IX.—The examination and trial of persons charged with offences shall be conducted by the landholder in conformity to the leading rules in the general Regulations; neither terror nor violence shall be employed to produce a confession on the part of the accused, written evidence shall be read in his presence, oral evidence shall be in like manner delivered by the deponent, whom he shall be allowed to cross examine; and such witnesses also as he may name on his defence shall be made to attend on his trial, and all written and oral evidence on his part shall be received and recorded in the same way as the evidence on the part of the prosecution.

General rules of the landholder's procedure:

Section X.—The landholder shall in all cases of punishment awarded by him keep a record, which shall specify the name of the offender, the offence of which he was convicted, and the punishment: and whenever the punishment shall exceed a fine of three (3) rupees, or ordinary confinement for five (5) days, or confinement in the stocks for six (6) hours, the whole of the proceedings shall further be recorded, and the records in both cases, or extracts therefrom, as may be required, together with all papers having connection with the subject, shall be open at all times to the inspection of the zilla magistrate.

his record.

Section XI.—*When a convict who has been sentenced by the landholder to imprisonment is transmitted by him to the zilla magistrate to undergo his punishment, the landholder shall also forward the*

Convicts sentenced by the landholder to imprisonment to be sent to the zilla magistrate, who will consider the case,

whole of the proceedings and original papers in the case to the zilla magistrate, who, after duly considering the same, and if requisite, calling for further information, or summoning and examining witnesses, shall confirm the sentence passed by the landholder, or pass such other as he may consider more suitable to the case, being within the limits of his jurisdiction.

and pass such sentence as may be requisite.

This Section is rescinded by Regulation IX. of 1831, 1st Supplement.—Q. V.

Serious offenders to be sent to the magistrate

Section XII.—*Clause 1st.*—If a person, charged with having committed an offence of a more serious nature than the landholder is authorized to try, be apprehended within his jurisdiction, the landholder shall, after taking his examination and the deposition of such witnesses as have attended, forward the prisoner and witnesses and the papers of the case to the zilla magistrate.

within sixty hours,

Clause 2nd.—No prisoner apprehended for transmission to the zilla magistrate shall be detained by the landholder for a longer period than sixty (60) hours without urgent necessity, and in that case a statement of the delay and of the cause of it shall be forwarded at the end of the specified period of sixty (60) hours to the zilla magistrate.

or with explanation of any further delay.

Government may, if it be found requisite, deprive a landholder of his police jurisdiction,

Section XIII.—*Clause 1st.*—The Governor in Council may, after receiving a report from the zilla magistrate, or other higher authority in the department of criminal justice, direct that a landholder be deprived of his police authority, and that the lands over which it extended be placed under the ordinary administration of police.

which will then be annulled by proclamation by the zilla magistrate.

Clause 2nd.—The zilla magistrate, on receiving the orders of Government to divest the landholder of his police charge, shall cause a proclamation to that effect to be published throughout the districts concerned, and the authority of the landholder as head of the police within such districts shall cease from the date of such proclamation.

CHAPTER II.

OF THE MODE OF PROCEDURE TO BE FOLLOWED IN CRIMINAL MATTERS IN REGARD TO LANDHOLDERS INVESTED WITH POLICE AUTHORITY UNDER THIS REGULATION.

Exception of special cases duly notified from the operation of the succeeding Rules.

SECTION XIV.—The Governor in Council, with the view of rendering certain landholders amenable, as far as practicable, for offences to his immediate authority alone, reserves to himself the power of announcing by communication to the requisite public officers and to the landholders concerned, and also by proclamation, the particular jurisdiction and procedure to which they will be subjected in criminal matters; but, if such special directions be not issued, the succeeding provisions of this Regulation shall constitute the law upon that subject.

The magistrate to hear and investigate charges against the landholder,

SECTION XV.—*Clause 1st.*—The zilla magistrate shall receive and hear all complaints against the landholder, provided, however, that it shall not be incumbent upon the zilla magistrate to investigate the subject of any complaint against a landholder in his character as head of the police, which shall not bear upon the face of it appearance of probability that injustice has been done to such an extent as to call for his notice and intervention.

but with reservation if it retards his police duties.

Power of the magistrate as to punishing the landholder.

Clause 2nd.—The zilla magistrate's power in regard to punishing offences committed by the landholder shall extend to ordinary imprisonment for a period not exceeding one year and fine, according to the Regulations: offences committed by the landholder, which cannot be adequately punished under the preceding rule, shall be tried by the Court of Circuit, or a special court, as the nature of the case may require, the zilla magistrate committing the landholder for trial under the rules contained in Regulation XII. of 1827, Section XIII., Clause 3rd.

Reg. XV. 1827. Chap. II.

On complaint made against the landholder, the zilla magistrate to require him by letter to attend,

SECTION XVI.—*Clause* 1*st.*—When a complaint has been entertained against a landholder, the zilla magistrate shall address a sealed communication to him, giving notice of the accusation, and calling upon him to attend with such proof as he may have to produce at his office, on a specified day, to answer to the charge.

or leave his attendance optional;

Clause 2*nd.*—Or he may, at his discretion, specify it to be at the option of the landholder to attend at the investigation in person or by vakeel.

though, if necessary, he may cause him to be apprehended.

Clause 3*rd.*—Provided always, that if the zilla magistrate should deem it probable that the landholder will abscond, he shall in such case cause him to be apprehended by warrant and held to bail, or confined under the general Regulations.

The order in the case to be communicated to the landholder, if he were not present.

SECTION XVII.—If the landholder shall not have been present at the investigation, a copy of the order passed upon the case shall be delivered to any person who may have attended for him, and if no person shall have attended, shall be forwarded under a cover to the landholder.

The trial of a landholder by the Court of Circuit and Special Court may be conducted privately if he wishes it;

SECTION XVIII.—The trial of a landholder by the Court of Circuit, or by a Special Court, shall be subject in all respects to the rules contained in the general Regulations, except that it may, if the court shall see fit, be conducted privately: provided always, that no one be excluded whom the landholder should wish to be present: any form of courtesy and consideration due to the rank of the accused shall also be observed.

and forms of courtesy will be observed.

Breaches of duty by landholders, how punishable.

SECTION XIX.—Abuse of power, denial of justice, or other similar offences on the part of the landholder, proceeding from an unfaithful discharge of his official duties, shall be punishable criminally with fine and imprisonment not exceeding five (5) years.

Certain relatives of landholders are open to their privileges.

SECTION XX.—The rules contained in Section XV., Clause 2nd, and in Sections XVI., XVII., and XVIII., shall be applicable to the landholder's relatives residing with him and under his protection.

APPENDIX (A).

Form of Sunnud vesting a Landholder with Police Jurisdiction under the Provisions of Regulation XV. of 1827.

(Seal.)

The Governor in Council [*or* " zilla magistrate of ——"], reposing confidence in the integrity, discretion, zeal and good faith of [*here enter the landholder's name and title*] hereby places him under the provisions of Regulation XV. of 1827, in charge of the police in [*here specify the tract of country concerned*] within the zilla of ——, with power to try offences such as [*here enter as minute an enumeration of the offences punishable by the landholder as can conveniently be made*] and to adjudge punishments not exceeding [*here specify the limitation of punishment*]. It is the duty of the said —— to superintend the correct discharge of their duties by the officers of village police in the several villages comprised within the limits of his police charge, and by means of the police officers and servants under his controul to maintain the public peace, to apprehend all public offenders, to execute the orders of the zilla magistrate, and to keep him and the police officers stationed in the vicinity of his jurisdiction well informed of the appearance of plunderers, or other public offenders, within or near his jurisdiction, of threatened inroads or attacks, and of all matters whatever which it may import them in the discharge of their public duties to know and to maintain, and to cause all police officers under his controul to maintain a strict observance of the provisions of Regulation XV. of 1827, and of all other rules and

Reg. XV. 1827. App. (A). orders to which he may be specially directed to conform by the zilla magistrate.

(Signed) A. B.
[*Secretary to Government in the Judicial Department*, or "*Zilla Magistrate*"].

Bombay Castle,
[*or* "Zilla Magistrate's Office,"]
18—.

REGULATION IX., A.D. 1831.

SUPPLEMENT I. TO REGULATION XV. OF 1827.

A Regulation for modifying the Rules under which Landholders may be invested with Police Jurisdiction:—passed by the Right Honourable the Governor in Council of Bombay on the 29th day of June, 1831, *corresponding with the 4th Jest Vud Sumbut or Vikramajeet Era*, 1887, *Salbahan*, 1753, *Fusley*, 1241, *Soorsun*, 1232, *and 18th Mohurrum*, 1247, *of the Hijree.*

Preamble. WHEREAS the existing provisions requiring the confirmation of the magistrate to certain sentences passed by landholders have been found inexpedient, the following alteration has been enacted, to take effect from the date of its promulgation.

Rescinding Section XI., Regulation XV. of 1827.

SECTION I.—*Clause 1st.*—The eleventh section of Regulation XV. of 1827 is hereby rescinded.

Sentences passed under the above authority to be immediately executed, the magistrate being authorized to mitigate or annul them, or to remove the investigation of any case at any time to himself or his assistant.

Clause 2nd.—And sentences, awarded as authorized by that Regulation, shall be carried into immediate execution, the magistrate however being vested with full power, if he see sufficient cause, to mitigate or annul them, or to remove the investigation of any case under progress to himself or to any of his assistants who would have been competent to take original cognizance of it.

REGULATION XXX., A.D. 1827.

A Regulation enacting certain Modifications of Regulations XII., XIII., XIV. and XV. of 1827, *with reference to the Zillas of Poona and Ahmednuggur:—passed by the Governor in Council at Bombay on the* 1st *August,* 1827, *corresponding with* 9th *Shravan Sood Sumbut or Vikramajeet Era,* 1883, *Salbahan,* 1749, *Fusly,* 1237, *Soorsun,* 1228, *and* 7th *Mohurrum,* 1243, *of the Hijree.*

Preamble.

WHEREAS it has been judged expedient that certain modifications should be made in Regulations XII., XIII., XIV. and XV. of 1827, with reference to the zillas of Poona and Ahmednuggur, the following rules have been enacted, to have effect from 1st September, 1827.

The collector in the zillas of the Dekhan and Khandesh is magistrate of the Sudder station as well as the rest of the collectorship. *

SECTION II.—*Clause* 1*st.*—With reference to the zillas of Poona and Ahmednuggur, it is hereby enacted, that, in modification of the provisions of Regulation XII. of 1827, Sections I., II. and III., the collector shall have charge of the police at the Sudder station, and that as the zilla of Ahmednuggur comprizes the two collectorships of Ahmednuggur and Khandesh, each collector, as zilla magistrate of his own collectorship, shall also have charge of the police at its Sudder station, and shall be styled "Magistrate of the Dekhan (or Khandesh) division of the zilla of Ahmednuggur," his official seal being inscribed accordingly.

The provisions of this Clause are superseded by Section I., Clause 1st, of Regulation IV. of 1830, and Act V. of 1846, which vest the magistrates generally with the charge of the police of the Sudder stations.

His penal jurisdiction: fine, imprisonment

Clause 2*nd.*—That, in modification of the provisions of Regulation XV. of 1827, Section XV., Clause 2nd,

Reg. XXX. 1827.

with hard labour for two years, flogging thirty stripes, and personal restraint, singly or combined: he also always commits offenders for trial at the sessions.

and Regulation XII. of 1827, Section XIII., the penal jurisdiction of the magistrate shall extend, under the former enactment, to fine and imprisonment for two (2) years, and under the latter enactment, to fine, ordinary imprisonment with hard labour for two (2) years, flogging not exceeding thirty (30) stripes, and personal restraint, any of which may be combined, and that it shall be a regular part of his permanent duties to commit offenders for trial at the sessions, as described in Regulation XII. of 1827, Section XIII., Clause 3rd.

By the printed interpretation, dated the 31st May, 1830, on Section III., Regulation III. of 1830, as well as Regulation IV. of 1830, Section IV., and interpretation thereon, in connection with this Clause, and with Section XIII. of Regulation XII. of 1827, Clause 3rd, the magistrates generally possess authority to commit to the session courts as part of their ordinary duties. The remainder of this Clause, conferring extended jurisdiction on the magistrates in the Dekhan, is rescinded by Regulation IV. of 1830, Section IV., 2nd Supplement to Regulation XII. of 1827.

The session judge performs the functions of the criminal judge, Court of Circuit, and Special Court.

Section III.—*Clause 1st.*—With reference to the two above-mentioned zillas, it is hereby enacted, in modification of the provisions of Regulation XIII. of 1827, Section XIII., that the functions of the criminal judge, the Court of Circuit, and the Special Court, as therein enacted, shall, subject to the modifications described in the succeeding provisions of this Regulation, be united in the person of the judge, who shall, in the exercise of those functions, be denominated "session judge," the designations of his assistants being also regulated accordingly.

Regulation III. of 1830, Section III. (4th Supplement to Regulation XIII. of 1827), specifies the functions and jurisdiction generally of session judges to be as herein set forth, with the exception of the functions of the Special Court.

Clause 2nd.—The seal of the session judge shall be two inches in diameter, and shall bear in the English and Mahratta languages and characters the following inscription, "*The Session Court of* ——." The penal jurisdiction of the session judge shall extend to the adjudging of capital punishment, provided, however, that any case in which he shall pass sentence of capital punishment, or of imprisonment for a longer period than seven (7) years, shall be referred to the Sudder Foujdaree Adawlut for its final orders in the mode described in Clause 2nd of Section XIII., Regulation XIII. of 1827. The assistants to the session judge shall not possess penal jurisdiction; but it shall be competent to the Governor in Council, during the absence of the session judge, to confer, in the mode prescribed by Clause 4th of the above-quoted Section, on the assistant of highest rank on the spot, such penal jurisdiction, not exceeding that of the session judge, as Government may deem expedient.

His seal.

The session judge may pass sentence of capital punishment; but in such case, or in a case of imprisonment for more than seven years, must refer to the Sudder Foujdaree Adawlut.

His assistants have no penal jurisdiction, but such as is thought fit may in his absence be conferred on an assistant.

I. This clause is modified by Section IV., Regulation VIII. of 1831 (5th Supplement to Regulation XIII. of 1827), which enacts that sentences of solitary imprisonment passed by session judges for a longer period than six months shall be referred for confirmation of the Sudder Foujdaree Adawlut.

II. The ordinary penal jurisdiction of assistant session judges is precribed in Section VI., Regulation III. of 1830, 4th Supplement to Regulation XIII. of 1827.

Section IV.—With reference to the zillas of Poona and Ahmednuggur, it is hereby provided, in modification of the Rule contained in Regulation XIV., Section XVI., Clause 3rd, that the session judge may try perjuries charged to have been committed before himself; but that no sentence of punishment passed in such a case shall be enforced except as confirmed by the Sudder Foujdaree Adawlut, to which court the trial shall be referred in the mode prescribed for other

*

The session judge may try perjury alleged to have been committed before him; but before punishment the trial must be referred to the Sudder Foujdaree Adawlut.

trials requiring reference to the Sudder Foujdaree Adawlut.

The provisions of this Section are generally applicable to cases of perjury before session judges. Vide Regulation III. of 1830, Section III., and interpretations thereon.

The session judge's court, while at the Sudder station, is constantly sitting:

Section V.—The court of the session judge, when not occupied in the half-yearly session hereinafter enacted, will sit constantly at the Sudder station for the trial of offenders.

it also holds half-yearly sessions at Sholapoor or Dhoolia,

Section VI.—The session judges of Poona and Ahmednuggur shall hold half-yearly sessions at Sholapoor and Dhoolia respectively under the rules applicable to Courts of Circuit; the said sessions shall be held twice a year, and shall commence on the 1st November and 1st May, or as soon after as may be conveniently practicable. The session judges of Poona and Ahmednuggur shall each have an assistant (or assistants according to the established rules of subordination) stationed respectively at Sholapoor and Dhoolia, who shall (the one throughout such districts of the Poona zilla as Government may direct, and the other throughout the territories composing the Khandesh collectorship, as specified in Appendix (A) to Regulation XXIX. of 1827) discharge "the duties of the criminal judge connected with the Court of Circuit," as described in Chapter III., Regulation XIII. of 1827; he shall also perform such duties as the session judge may enjoin in the preparation of cases, and in all other matters connected with his office.

where assistants are stationed to perform the duties of "criminal judge connected with the Court of Circuit."

I. Assistant session judges at detached stations are generally vested with the functions described in the latter part of this Section, and those set forth in Regulation XI. of 1828 (2nd Supplement to Regulation XIII. of 1827), by Regulation III. of 1830 (4th Supplement to the same Regulation), Section VI.

II. Since the passing of this Regulation, Sholapoor has been divided from Poona, and created a separate zilla.

SECTION VII.—*Clause 1st.—In modification of the Rules contained in Regulation XIII. of* 1827, *Sections XVI., XVII., XIX. and XX., it is hereby enacted, that the authority of the session judge over the zilla magistrate shall extend only to give instructions with reference to the preparation of cases brought before him, to which the magistrate will attend, and to inquiring into the cases of persons confined by the magistrate otherwise than under sentence on conviction, when, if he should differ in opinion with the magistrate, the question shall be referred to the Governor in Council, who will pass such orders thereon as he may deem expedient.*

The session judge may give instructions to the magistrate relative to cases for the session, and inquire into the cases of persons confined otherwise than on sentence, referring the cases, if necessary, to Government.

Clause 2nd.—The session judge is further authorized to receive complaints against the magistrate in matters of importance, he shall take the complainant's oath and examine him as to the truth of his statement, when, if there should be reason to believe that serious cause of complaint exist, he shall refer the matter to the Governor in Council, who will adopt such further proceeding as the case may seem to require.

He may also receive complaints against the magistrate, and if necessary report to Government.

This Section is rescinded by Regulation VIII. of 1831 (5th Supplement to Regulation XIII. of 1827), Section III., which prescribes a different course of procedure.

SECTION VIII.—*In modification of the rules contained in Regulation XIII. of* 1827, *Chapter V., the Sudder Foujdaree Adawlut's authority shall, with reference to the magistrates and session judges of the Poona and Ahmednuggur zillas, consist in the passing final judgment and orders in cases referred to it under Section II., Clause 1st; the calling for proceedings and documents in cases tried by the magistrate or session judge, which those officers shall furnish whenever required; the annulling or mitigation of sentences passed by them; and the recommending to Government, whenever deemed expedient, the annulling or mitigation of sentences which the said court cannot annul or alter;*

The Sudder Foujdaree Adawlut shall pass final judgment in cases referred;

and may revise cases tried by the magistrate and session judge, and annul or mitigate their sentences; or recommend the same to Government;

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it shall receive and furnish reports and afford information as directed and required by Government,

the Sudder Foujdaree Adawlut shall also receive such periodical returns as the magistrates and session judges may be instructed by Government to furnish: it shall also be the duty of the Sudder Foujdaree Adawlut to transmit to Government such reports and returns on criminal justice as administered in the zillas of Poona and Ahmednuggur as Government may require, and generally to afford information and offer suggestions connected with that subject and with the public welfare.

This Section is rescinded by Regulation VIII. of 1831 (5th Supplement to Regulation XIII. of 1827), Section VI., declaring that instead of these the provisions of Regulation XIII. of 1827, Section XXIX. are to have effect throughout the presidency.

which is further vested with full power to grant indemnities, pardons and mitigations.

Section IX.—The Governor in Council reserves to himself full power to grant indemnities, pardons and mitigations as authorized by the Regulations in all cases in which he may deem it expedient.

REGULATION I., A. D. 1829.

SUPPLEMENT I. TO REGULATION XXX. OF 1827.

A Regulation for extending the Penal Jurisdiction of the Assistants to the Magistrates in the Dekhan:—passed by the Governor in Council at Bombay on the 15th April, 1829, corresponding with the 12th Chyter Sood Sumbut or Vikramajeet Era, 1885, Salbahan, 1751, Fusly, 1238, Soorsun, 1229, and 10th Shaval, 1244, of the Hijree.

This Regulation is rescinded by Section IV., Regulation IV. of 1830, 2nd Supplement to Regulation XII. of 1827.

REGULATION XIX., A. D. 1830.

SUPPLEMENT II. TO REGULATION XXX. OF 1827.

A Regulation providing for the Appointment of a Joint Session Judge within the Zilla of Poona :—passed by the Governor in Council of Bombay on the 3rd November, 1830, corresponding with the 3rd of Kartick vud Sumbut or Vikramajeet Era, 1887, Salbahan, 1752, Fusly, 1240, Soorsun, 1231, and 16th Jummadyool-Avul, 1246, of the Hijree.

Preamble. WHEREAS it has appeared advisable to appoint an officer for the purpose of affording temporary aid in the administration of criminal justice within the zilla of Poona, the following rules have therefore been enacted, to be in force from the date of promulgation.

A joint session judge appointed. SECTION I.—*Clause 1st.*—A joint session judge shall be appointed, who shall be vested with co-extensive powers and a concurrent jurisdiction with the session judge of the zilla, except that he shall not receive original complaints, but shall transact such criminal business only as he may receive from the session judge of Poona.

To be guided by the rules and regulations in force for the session judge. *Clause 2nd.*—The Rules and Regulations at present in force, or which may hereafter be enacted for the guidance of the session judge, shall be equally applicable to the joint session judge.

Oath. SECTION II.—Previous to exercising the functions of his office, the joint session judge shall take the oath prescribed for the session judge, with the requisite alteration of designation.

Reg. XIX. 1830. Supp. II. to Reg. XXX. of 1827.

SECTION III.—The seal of the joint session judge shall be the same as is used by the session judge of the zilla.

Seal.

Act XXIX. of 1845 authorizes the appointment of a joint session judge in any zilla.

END OF VOL. I.

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